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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan

Report of the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 71/97. It provides an update on Israel's settlement activities in the West Bank, including East Jerusalem, and the occupied Syrian Golan. It also highlights instances of demolition and forced eviction in the context of settlements, including case studies on their impact on Bedouin and herder communities in Area C.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 71/97 and provides an update on the implementation of the resolution during the period from 1 June 2016 to 31 May 2017. It should be read in conjunction with previous reports of the Secretary-General to the General Assembly and the Human Rights Council on Israeli settlements in the West Bank, including East Jerusalem, and the occupied Syrian Golan.[1]

2. The report provides an update on settlement activities in the Occupied Palestinian Territory and on the conditions contributing to a coercive environment, including instances of demolition and forced eviction, described in two illustrative case studies affecting Bedouin and herder communities. As noted in previous reports, forced evictions constitute one of the factors that contribute to the creation of a coercive environment.[2] The report also highlights the fact that the demolitions and forced evictions faced by Palestinians themselves constitute grave human rights violations, in particular of the right to adequate housing. These continued developments remained of concern during the reporting period, as did cases of settler violence.

II. Legal background

3. An analysis of the applicable legal framework and the basis for Israel's obligations in the Occupied Palestinian Territory and the occupied Syrian Golan can be found in previous reports of the Secretary-General, including his most recent reports (see A/HRC/34/38, paras. 3–12 and 18; A/HRC/34/39, paras. 4–9; and A/71/355, para. 3).

III. Update on settlements

A. New settlements and settlement expansion

4. Since 1967, Israel has established approximately 250 settlements and settlement outposts in the occupied West Bank and East Jerusalem.[3] In addition to being in violation of Israel's international humanitarian law obligations, settlements and settlement outposts continue to have a serious impact on the human rights of the Palestinian population. Palestinians have been deprived of their land and property, forcibly evicted and denied access to essential services as a consequence of settlements. They have also often been subjected to violence, harassment and intimidation by settlers. Previous reports of the Secretary-General have described the role of Israeli authorities in the construction and expansion of settlements, including through the provision of land, infrastructure and public services, along with other benefits and subsidies granted to settlers.[4]

[1] A/71/355 and A/HRC/34/39, which covers the first few months of the reporting period.

[2] See A/HRC/34/39, paras. 45–46; A/70/351, paras. 25–51; and A/HRC/16/71, paras. 20–22.

[3] See Office for the Coordination of Humanitarian Affairs, "The humanitarian impact of de facto settlement expansion: the case of Asfar", *Humanitarian Bulletin: Occupied Palestinian Territory* (November 2016), available from https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-case-asfar; see also A/70/82, para. 46.

[4] See A/68/513, paras. 23–29; A/69/348, paras. 33–35; and A/70/351, paras. 33–36.

5. The Government of Israel had initially planned to compensate settlers[5] evacuated from the outpost of Amona[6] by developing housing in the illegal settlement of Shvut Rachel East. Even though the residents of Amona reportedly rejected that offer, the plan for Shvut Rachel East was approved by Israeli authorities in February 2017, allowing for the construction of 98 out of the 300 planned housing units. According to the Israeli non-governmental organization (NGO) Peace Now, although Shvut Rachel East is officially deemed a "neighbourhood" of the settlement of Shilo, it is effectively a separate settlement, because it will be located approximately 1 km from the built-up area of Shilo.[7]

6. On 28 May 2017, the jurisdiction of a new settlement, Amihai, was defined by a military order of the Central Command of the Israel Defense Forces. It is the first new settlement to be established by the Government of Israel in Area C since 1992.[8] Despite the development of Shvut Rachel East, Amihai was also proposed as compensation for the residents of Amona. It would include 102 housing units, whereas 41 families were evicted from the Amona outpost.

7. According to Peace Now, two new settlement outposts were established during the reporting period: one in September 2016, near the settlement of Mehola, and the other in January 2017, near the settlement of Hemdat.[9]

8. The task force for the survey of State land boundaries (Blue Line task force) of the Israeli Civil Administration[10] continued its surveys and demarcations of State land during the reporting period. Its surveys and decisions are integral steps in the process of advancing settlement plans.[11] In August 2016, the Government of Israel notified the High Court of Justice about its ongoing survey to identify "State lands" near the village of Nahlah, south of Bethlehem, in the so-called "E2" area. The United Nations Special Coordinator for the Middle East Peace Process observed that that step could enable the establishment of a new settlement, Givat Eitam, on the outskirts of Bethlehem, further restricting that city's development and contributing to the dismemberment of the West Bank.[12]

9. According to the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO), in March 2017 the Israeli Civil Administration declared as State lands some 24 acres near the settlement of Eli. On the basis of their monitoring of settlement activities, some NGOs have suggested that that declaration reflects the intention to retroactively legalize the settlement outposts of Palgey Maim and Givat Haroeh.[13] In late March, the Blue Line team published its revisions to the demarcation of State land near the settlement of Shilo.

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[5] See Barak Ravid, "Inside Amona evacuation budget: 70 million shekels to build new settlement", *Haaretz*, 18 December 2016, available from http://www.haaretz.com/israel-news/1.759866.

[6] The settlement outpost of Amona was evacuated on 1 February 2017. In December 2014, the High Court of Justice had given the Government two years to evacuate Amona, which had been built illegally on privately held Palestinian land.

[7] See Peace Now, "Jurisdiction of the new settlement 'Amihai' approved", 30 May 2017, available from http://peacenow.org.il/en/jurisdiction-new-settlement-amihai-approved.

[8] Ibid.

[9] Although outposts are set up without authorization, support provided by the Israeli authorities in the form of infrastructure and security has been documented. At the time of reporting, the Office of the United Nations High Commissioner for Human Rights (OHCHR) was not able to confirm whether such support was available to the two new outposts.

[10] See A/71/355, para. 13; and A/HRC/31/43, para. 21.

[11] See A/HRC/31/43, para. 21.

[12] See Nickolay Mladenov, Security Council briefing on the situation in the Middle East, 29 August 2016, available from http://www.un.org/undpa/en/speeches-statements/29082016/middle-east.

[13] See Peace Now, "Israeli cabinet approves new settlement", 31 March 2017, available from http://peacenow.org.il/en/israeli-cabinet-approves-new-settlement.

Israeli authorities have previously declared their intention to legalize the nearby outpost of Adei Ad.

B. Construction starts, plans and tenders

10. The Israeli Central Bureau of Statistics published 2,758 construction starts for housing units in Area C settlements from April 2016 to March 2017, which represents a 70 per cent increase compared with the period from April 2015 to the end of March 2016, when 1,619 construction starts were recorded.[14] No official data on construction starts in East Jerusalem settlements are publicly available.

11. According to monitoring carried out by UNSCO, tenders for approximately 3,200 housing units were issued during the reporting period, the majority of them (2,800) in the first five months of 2017. From June to December 2016, tenders were issued for 365 units, including 323 in East Jerusalem and 42 in the settlement of Qiryat Arba', in Area C. Among those issued during the reporting period were tenders for construction in the settlements of Har Homa, Giv'at Ze'ev, Ma'ale Adummim and Ari'el.

12. UNSCO also reported that during the second half of 2016, plans had been advanced for the construction of some 1,500 units in Area C (220 of which had reached the final stage of approval) and another 1,500 in East Jerusalem. During the first six months of 2017, approximately 5,000 housing units were advanced through the Israeli planning bodies.

C. Legislation

13. Raising concerns about "de facto annexation", the Israeli legislature has pursued past practice in enacting laws with direct applicability in the West Bank. During the reporting period, this included legislation that, for the first time, extends the jurisdiction of the Knesset to matters of land and property.

"Regularization" law

14. On 8 February 2017, the Knesset adopted the Law for the Regularization of Settlement in Judea and Samaria, 5777-2017, referred to as the "regularization" law.[15] It authorizes the continued use in the West Bank of privately owned Palestinian land that has been taken for settlement purposes. The law requires that the regularization take place as soon as possible and that the reallocation of private Palestinian land for settlement use be completed within one year from the date of publication of the law, 13 February 2017. This is the first time that the Knesset has extended its jurisdiction to matters concerning the private property of Palestinians living under Israel's military occupation. The Attorney General of Israel has opposed the law, describing it as unconstitutional and in violation of the Geneva

[14] See Peace Now, "Central Bureau of Statistics: 70 per cent rise in construction of settlements during the past year compared to previous year", 19 June 2017, available from http://peacenow.org.il/en/central-bureau-statistics-70-rise-construction-settlements-past-year-compared-previous-year.

[15] See A/HRC/34/39, para. 33; see also Office for the Coordination of Humanitarian Affairs, "Zeid urges Israel to reconsider bill to legalize outposts that 'clearly and unequivocally violate international law'", available from http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21003.

Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).[16]

15. Two petitions against the law have been submitted to the High Court of Justice by Israeli and Palestinian civil society organizations on the grounds that it would violate Israeli and international law.[17] However, the Court has stated that the petitions would not delay the application of the law and that the mandatory deadline of 13 February 2018 for the reallocation remains valid. If not invalidated by the High Court of Justice, the law could remove obstacles to the retroactive legalization of dozens of existing outposts, and approximately 3,000 housing units built illegally in settlements recognized as legal by Israel.[18] With the de facto confiscation of private Palestinian land, the law would violate Israel's obligation to protect private property in the territory that it occupies.[19] The law also raises concerns as to Israel's fulfilment of its obligation, as the occupying Power, to respect the laws in force in the territory that it occupies, unless absolutely prevented from doing so.[20]

"Annexation" bills and applicability of Israeli legislation to the West Bank

16. Since the signing of the Oslo Accords in 1993, dozens of private bills aimed at annexing parts of the West Bank have been proposed by members of the Knesset. At least 20 such bills have been submitted for consideration since the March 2015 elections (e.g., through the direct application of Israeli legislation to settlements),[21] but none has reached a first reading in the Knesset or been endorsed by the Government. However, new laws adopted by the current Knesset explicitly apply to Israeli citizens living in settlements. In January 2017, a bill aimed at applying Israeli laws and regulations to Ma'ale Adummim (one of the largest settlements, with 40,000 inhabitants) came close to being discussed by the Government, but its promotion was eventually blocked by the Prime Minister of Israel, Benjamin Netanyahu.[22]

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[16] See "Israel passes controversial law on West Bank settlements", BBC News, 7 February 2017, available from http://www.bbc.com/news/world-middle-east-38888649; see also Allison Kaplan Sommer, "Explained: Israel's new Palestinian land-grab law and why it matters", *Haaretz*, 7 February 2017, available from http://www.haaretz.com/israel-news/1.770102.

[17] The first petition was submitted on 8 February 2017 by Adalah, the Al Mezan Centre for Human Rights and the Jerusalem Legal Aid and Human Rights Centre on behalf of 15 Palestinian local councils and two municipalities (see http://mezan.org/en/post/21791); the second was submitted on 15 March 2017 by the Association for Civil Rights in Israel, Peace Now and Yesh Din on behalf of 27 Palestinian local councils and 13 Israeli civil society organizations (see http://www.acri.org.il/en/2017/03/05/acri-peace-now-and-yesh-din-petition-the-high-court-against-the-expropriation-law/).

[18] See Association for Civil Rights in Israel, "ACRI, Peace Now and Yesh Din petition the High Court against the expropriation law", 5 March 2017, available from http://www.acri.org.il/en/2017/03/05/acri-peace-now-and-yesh-din-petition-the-high-court-against-the-expropriation-law/.

[19] See Regulations respecting the Laws and Customs of War on Land (Hague Regulations), arts. 46 and 56; Fourth Geneva Convention, art. 53; and A/HRC/34/38, paras. 20–21.

[20] See Hague Regulations, art. 43; Fourth Geneva Convention, art. 63; and A/HRC/34/38, para. 39.

[21] The majority of the bills have aimed at the annexation of particular settlements or areas (e.g., Ma'ale Adummim, Gush Etzion, Jordan Valley) and some at the application of the Israeli planning and zoning legislation to settlements, while others have been much broader in scope and effect, demanding the full annexation of Area C or of all major Israeli settlements.

[22] See Tovah Lazaroff, Jeremy Sharon and Herb Keinon, "Annexation bill put off until after Trump-Netanyahu meeting", *Jerusalem Post*, 22 January 2017, available from http://www.jpost.com/Israel-News/Netanyahu-looks-to-delay-Maaleh-Adumim-annexation-bill-479191; see also Tovah Lazaroff, "Ma'aleh Adumim annexation bill on hold for a week", *Jerusalem Post*, 4 March 2017, available from http://www.jpost.com/Israel-News/Maaleh-Adumim-annexation-bill-on-hold-for-a-week-483206.

D. Law enforcement regarding settler violence

17. Previous reports of the Secretary-General described how settler violence, trespassing and property damage on Palestinian lands often occurred in concerted efforts to forcibly expel Palestinians in order to expand settlements.[23] In recent years, the Israeli authorities have increased their efforts to address settler violence through both preventive measures and the prosecution of perpetrators.[24] According to official data, between January 2016 and June 2017, 54 indictments were served against Israelis for ideologically motivated crimes.[25] In addition, between January and October 2016, Israeli authorities issued 30 restraining orders against Israelis (including minors) considered to be extremists, prohibiting their presence in the West Bank. As at 29 November 2016, 11 Israelis were being held under administrative detention.[26]

18. However, between 1 June 2016 and 31 May 2017, the Office for the Coordination of Humanitarian Affairs recorded 111 incidents of settler violence affecting Palestinians, 42 of which had resulted in injuries and 69 in property damage. Despite a continuing decline since 2013 (when 397 cases were recorded), there was an increase in such incidents in early 2017, as well as in attacks against Israelis, mostly stone-throwing by Palestinians at vehicles.[27]

19. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has monitored and documented several cases of settler violence in the Nablus area, where a significant proportion of the incidents took place, reflecting recurrent and organized attacks by settlers that are increasingly encroaching on Palestinian villages in that area. Some attacks occurred in the presence of Israeli security forces, who failed to uphold public order and safety in the Occupied Palestinian Territory and to protect its inhabitants, including from all acts of violence, threats and insults.[28]

20. For example, in Arif, the family of Muneer Hassan Ahmed Suleiman experienced several days of violent settler attacks, most severely on 29 April 2017. According to OHCHR monitoring data, an estimated 60 settlers, including a settler armed with an automatic rifle, attacked Mr. Suleiman's property, destroying cars and throwing stones at the house. Mr. Suleiman was struck with stones and beaten with a metal rod, which caused several fractures to his legs. Mr. Suleiman reported that while Israeli security forces had arrived at the scene, they had refused to intervene. He was hospitalized for four days and was wheelchair-bound when OHCHR met him in May 2017.

21. OHCHR also monitored and documented the case of the Amraan family, who live 400 metres from an outpost in East Burin. The family reported almost weekly attacks by settlers over the past three years, believing that the perpetrators came

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[23] See A/70/351, paras. 52–60.

[24] See A/HRC/34/39, para. 20; and S/2016/595, annex.

[25] See Ministry of Justice of Israel, "Israel's investigation and prosecution of ideologically motivated offences against Palestinians in the West Bank" (June 2017). The report does not clearly distinguish between investigations regarding ideologically motivated offences directed at Palestinians or their property, and investigations regarding other ideologically motivated offences committed by Israelis in the West Bank (e.g., offences targeting security personnel).

[26] Ibid. With respect to administrative detention, the Secretary-General has condemned its use by Israel against Palestinians and Israelis alike; see A/69/347, para. 29; and A/HRC/31/43, paras. 40–43.

[27] According to the Office, between January and May 2017, 152 incidents caused harm to Israelis or their property, compared with 112 during all of 2016.

[28] See Fourth Geneva Convention, art. 27, first para.; Hague Regulations, art. 46; and A/HRC/34/38, paras. 33–37.

from the outpost near the settlement of Har Brakha. On 12 May 2017, seven settlers armed with slings reportedly hurled stones at villagers and the family's house in the presence of Israeli security forces. According to witnesses, the latter did not intervene to stop the attack or arrest any suspects, raising strong concerns as to the obligation of Israeli authorities to ensure public order and safety and to protect the population in the Occupied Palestinian Territory.

22. Between 22 April and 27 May 2017, the Office for the Coordination of Humanitarian Affairs documented five incidents in which settlers had attacked Palestinians while accompanied by members of the Israeli security forces. Most of the attacks were believed to have originated from the settlement of Yitzhar, in the Nablus area, a known hotspot for extremist violence against Palestinians. In those cases, many of which were documented on video, soldiers neither intervened nor detained the attackers. In some cases, they used means of crowd dispersal on Palestinians.[29]

IV. Demolitions and forced evictions in the context of settlements

23. In 2016, the Israeli authorities demolished or seized 1,093 Palestinian-owned structures in the West Bank, including East Jerusalem. According to the Office for the Coordination of Humanitarian Affairs, this resulted in the displacement of more than 1,600 Palestinians and had an adverse impact on the livelihoods of more than 7,000 others. The number of demolitions in 2016 nearly doubled compared with 2015 and was the highest since 2009, when the Office began its systematic monitoring of demolitions.[30]

24. During the reporting period, 718 Palestinian-owned structures were seized or demolished, which led to the displacement of 1,122 people.[31] Eighteen of those structures were located in Areas A and B. While the number of demolitions generally decreased during the reporting period, there was a spike in January 2017, when 140 structures were demolished by the Israeli authorities, leading to the displacement of some 240 Palestinians. The number of structures demolished was more than 50 per cent higher than the monthly average number of structures targeted in 2016 (91).[32]

25. The official reason for those demolitions is that the structures were built without permits; however, building legally in most of Area C and East Jerusalem is nearly impossible for Palestinians, owing to the planning policies implemented by Israeli authorities in those areas.[33] As noted in previous reports of the Secretary-General[34] and by the Committee on the Elimination of Racial Discrimination, the planning regime is discriminatory and incompatible with requirements under

[29] See Rabbis for Human Rights, "Series of incidents where soldiers stand by as Palestinians are attacked", press release, 6 June 2017, available from http://rhr.org.il/eng/2017/06/series-cases-idf-soldiers-stand-idly-palestinians-attacked-extremists-settlers/.

[30] See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016", in *Humanitarian Bulletin: Occupied Palestinian Territory* (January 2017), available from https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016.

[31] Data are from the Demolition System database of the Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory.

[32] See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016".

[33] See A/72/565.

[34] A/66/364 and A/HRC/25/38.

international law.[35] Israel's planning policies and processes in East Jerusalem and Area C contravene the principle of non-discrimination in relation to the right to an adequate standard of living, including the right to housing.[36] For many Palestinian communities, particularly the Bedouin and herder communities, Israel also fails to guarantee security of tenure, one of the core components of the right to adequate housing, thus leaving a large proportion of Palestinians vulnerable to forced evictions, threats and harassment.[37]

26. In general comment No. 7 of the Committee on Economic, Social and Cultural Rights, the term "forced eviction" is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The non-discrimination provisions of articles 2.2 and 3 of the Covenant on Economic, Social and Cultural Rights obliges Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.[38] Furthermore, the Committee has noted that house demolitions carried out as a punitive measure are inconsistent with the norms of the Covenant.[39] Therefore, demolitions carried out by the Israeli authorities in the context of discriminatory planning structures or for punitive purposes are unlawful under international law and therefore constitute forced evictions.[40]

27. Forcible transfer is a grave breach of the Fourth Geneva Convention and amounts to a war crime that may lead to individual criminal responsibility.[41] In previous reports, the Secretary-General identified demolitions, and threats thereof, as key factors contributing to a coercive environment in the West Bank, including East Jerusalem,[42] when specific circumstances may leave no other choice to individuals and communities but to leave.[43] The Secretary-General has previously expressed concern that Israel was increasing pressure on Palestinians through practices and policies contributing to a coercive environment in areas under full Israeli control, pushing them to move out of their areas of residence.[44] The following examples and case studies illustrate how populations facing demolitions and forced evictions may be victims or at risk of forcible transfer.

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[35] See A/HRC/31/43, paras. 18 and 45; A/HRC/25/38, paras. 11–14; and A/HRC/34/38, para. 25. In 2012, the Committee expressed concern regarding the discriminatory planning policy of Israel and urged the Government to reconsider it entirely in order to guarantee Palestinian and Bedouin rights to property, access to land, access to housing and access to natural resources (see CERD/C/ISR/CO/14-16, para. 25).

[36] See International Covenant on Economic, Social and Cultural Rights, art. 11.

[37] The Committee on Economic, Social and Cultural Rights established, in its general comment No. 4, that everyone should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. The Committee also affirmed that States must take immediate measures aimed at conferring legal security of tenure upon those persons and households lacking such protection, in genuine consultation with affected persons and groups. See Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing.

[38] See Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions.

[39] Ibid., para. 12.

[40] In its 2011 concluding observations, the Committee on Economic, Social and Cultural Rights expressed deep concern about home demolitions and forced evictions in the West Bank, in particular in Area C, as well as in East Jerusalem, by Israeli authorities, military personnel and settlers (see E/C.12/ISR/CO/3, para. 26).

[41] See Fourth Geneva Convention, arts. 49 and 147; and Rome Statute of the International Criminal Court, art. 8, para. 2 (b) (viii).

[42] See A/HRC/34/39, para. 47.

[43] See A/HRC/34/38, para. 28.

[44] See A/HRC/34/39, para. 41.

A. East Jerusalem

28. In East Jerusalem, Israeli authorities have allowed for the planning and zoning of only 13 per cent of the city, most of which is already built up, for Palestinian construction. Consequently, one third of all Palestinian homes in East Jerusalem lack Israeli-issued building permits, which places at least 90,000 residents at risk of eviction, demolition of their homes and subsequent displacement.[45]

29. According to data provided by the Office for the Coordination of Humanitarian Affairs for 2016, 17 per cent of the structures demolished or seized (190) in the Occupied Palestinian Territory were in East Jerusalem.[46] The most large-scale demolitions conducted during the reporting period included the destruction of 15 structures in Qalandia village, for lacking the necessary building permits. Although the village is located on the West Bank side of the wall, it falls within the boundaries of the Municipality of Jerusalem. Rising housing costs in East Jerusalem, which are due in part to a housing shortage, have driven many Palestinian families to these particularly vulnerable areas that are located beyond the wall but that Israel considers to be part of Jerusalem. These areas have little or no access to public services, although residents pay taxes to the Municipality of Jerusalem.[47]

30. As of August 2017, eviction orders were pending against at least 180 families in East Jerusalem (818 people), including 21 in the Old City of Jerusalem. In most cases initiated by settler organizations, such orders have the goal of gaining control of Palestinian-occupied properties by claiming ownership prior to 1948 or challenging the "protected tenant" status of some families.[48] In addition, the eviction of Palestinian families as a result of the application of the Law of Judicial and Administrative Arrangements 1967[49] may be considered unlawful owing to its inherently discriminatory nature.[50]

31. The reporting period witnessed significant cases related to forced evictions resulting from demolitions in East Jerusalem. In one instance, on 20 December

[45] See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "East Jerusalem: key humanitarian concerns" (August 2014), available from https://www.ochaopt.org/content/east-jerusalem-key-humanitarian-concerns-august-2014.

[46] See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016".

[47] See Office for the Coordination of Humanitarian Affairs, "Increase in West Bank demolitions during July-August", in *Humanitarian Bulletin: Occupied Palestinian Territory* (August 2016), available from https://www.ochaopt.org/content/increase-west-bank-demolitions-during-july-august. The demolition in Qalandia village was also significant because the Municipality of Jerusalem had not enforced its permit regime on buildings situated beyond the wall.

[48] See Office for the Coordination of Humanitarian Affairs, "East Jerusalem: Palestinians at risk of eviction", available from https://www.ochaopt.org/content/east-jerusalem-palestinians-risk-eviction.

[49] Enacted after the 1967 war, the law transferred all property under the Jordanian Custodian of Enemy Property — which had managed the properties of Jews who had fled or been forced to leave East Jerusalem in 1948, which were used mainly to house Palestinian refugees — to the Administrator General of the Ministry of Justice of Israel. According to sect. 5 (b) of the law, the Administrator General must release property to whoever owned it prior to its transfer to the Jordanian custodian, or to a person standing in for the owner at the owner's request. In effect, Jews or Jewish entities can recover properties that they owned before 1948. However, Palestinians who lost control of their properties after 1948 can reclaim their properties from the current occupants in extremely rare cases, and are eligible only for compensation that falls far below the current value of the property. This discrepancy in treatment makes the Law of Judicial and Administrative Arrangements 1967 inherently discriminatory against Palestinians.

[50] See Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions.

2016, the High Court of Justice ruled that the protected tenancy of Nora Ghaith and Mustafa Sub Laban would be terminated in 10 years and that they could live in their home in the Old City until then. It also ruled that after 10 years, the property would be handed over to Atara Leyoshna, the settler organization that has been engaged in a 40-year legal battle to evict the Sub Laban family.[51] In addition, the Court ruled that the children of Nora Ghaith and Mustafa Sub Laban, and their respective families, would not be permitted to continue to live in the Sub Laban house, with immediate effect.[52] In another example, on 15 September 2016, the Kirresh family (six adults and two children) were evicted from their home in the Old City after the Israeli Supreme Court had rejected its appeal. The family had been renting the property since the 1930s and was ordered to transfer it to an Israeli settler organization, Ateret Cohanim, which had claimed that it had purchased the property in 1980. Three other Palestinian families (seven adults and 10 children) were also evicted from their homes in the Old City in August 2016.

B. Area C

32. Only 30 per cent of Area C is available for Palestinian use and development following the allocation of land for settlements and their expansion, the demarcation of closed military zones and the takeover of land for the construction of the wall. Yet, the Israeli Civil Administration has permitted construction on only 0.4 per cent of the land.[53] In Area C, according to estimates by the Office for the Coordination of Humanitarian Affairs that take into account the populations of Palestinians and settlers, the planned area per Israeli settler is more than 13 times larger than the planned area per Palestinian.[54]

33. Planning for Palestinian villages involves the demarcation of the existing built-up area in a village with little or no room for growth, and with no involvement of the local population in the drafting and decision-making process.[55] Since 2011, the Palestinian Authority has supported communities in submitting local outline plans for the approval of the Israeli Civil Administration. In total, 110 community-based outline plans have been prepared for some 148,000 Palestinians. As at 31 May 2017, five of those plans had been approved by the Israeli Civil Administration, 96 were pending its approval and final decision, and nine remained to be submitted for its consideration.

34. According to the Israeli Civil Administration, approximately 12,500 demolition orders were pending against Palestinian-owned structures across Area C

[51] The Sub Laban family first rented the apartment from the Jordanian Custodian of Enemy Property in 1954, at which point it was awarded protected tenancy status. The family maintained this status and paid rent to the Israeli General Custodian after it had assumed control of properties administered by the Jordanian Custodian of Enemy Property. Despite this protected status, the Sub Labans have been under threat of eviction since 1978, first by the General Custodian and later by Atara Leyoshna.

[52] See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "Palestinian family forcibly evicted from its home in occupied East Jerusalem", 15 September 2016, available from https://www.ochaopt.org/content/palestinian-family-forcibly-evicted-its-home-occupied-east-jerusalem.

[53] See United Nations Human Settlements Programme, "'One UN' approach to spatial planning in 'Area C' of the occupied West Bank" (September 2015), available from https://unhabitat.org/wp-content/uploads/2015/10/One-UN-Approach-to-Spatial-Planning-in-Area-C-.pdf.

[54] See Office for the Coordination of Humanitarian Affairs, "Under threat: demolition orders in Area C of the West Bank" (September 2015), available from http://data.ochaopt.org/demolitionos/demolition_orders_in_area_c_of_the_west_bank_en.pdf pp 13.

[55] See Nir Shalev and Alon Cohen-Lifshitz, *The Prohibited Zone: Israeli Planning Policy in Palestinian Villages in Area C* (Bimkom, 2008).

by the end of 2016 for lack of appropriate permits.[56] More than 2,900 of those orders were on hold owing to appeals with the Administration or Israeli courts.[57] As the orders do not have expiry dates, they can be executed at any time, which places the Palestinian individuals and families concerned in a very precarious position. In 2016, the Administration issued stop-work orders, demolition orders or warnings regarding more than 100 donor-funded humanitarian aid structures.[58]

35. According to the Office for the Coordination of Humanitarian Affairs, more than 63 per cent of the structures confiscated by the Israeli Civil Administration in Area C in 2016 were in Palestinian herding and/or Bedouin communities, including 283 structures provided by the international community as humanitarian assistance.[59] As highlighted by the United Nations Coordinator for Humanitarian Aid and Development Activities in the Occupied Palestinian Territory, "Most of the demolitions in the West Bank take place on the spurious legal grounds that Palestinians do not possess building permits, but in Area C, official Israeli figures indicate only 1.5 per cent of Palestinian permit applications are approved in any case. So what legal options are left for a law-abiding Palestinian?"[60]

36. The following case studies document forced evictions that were faced by some Bedouin and herder communities in Area C during the reporting period. In previous reports of the Secretary-General, various factors were identified that contribute to the creation of a coercive environment in Area C, including plans to evict and relocate Bedouin and herder communities,[61] as well as demolitions — or the threat thereof — related to the implementation of the illegal and discriminatory planning regime.[62]

Case study 1: Kurshan–Khan al-Ahmar, a community on the periphery of Jerusalem

37. The Kurshan Jahalin Bedouin community is part of the Khan al-Ahmar cluster of communities, located east of the settlement of Mishor Adumim. Like all Bedouin communities on the periphery of Jerusalem, Kurshan–Khan al-Ahmar is at risk of forcible transfer owing to Israeli relocation and settlement expansion plans and other factors contributing to the creation of a coercive environment, as detailed below. Kurshan is one of the smallest Bedouin communities, with a population of 54 comprising nine Abu Dahuk families.[63]

38. Like other Bedouin communities on the periphery of Jerusalem, Kurshan lies in the path of expansion plans for Ma'ale Adummim. The community has faced demolitions since the mid-1990s.[64] Its lack of ownership titles and its location, which is almost adjacent to a closed military zone, pose serious constraints on

[56] Some of these orders were issued in the 1980s. Approximately 77 per cent of the demolition orders issued by the Israeli Civil Administration since 1988 have targeted structures located on land recognized by the Israeli authorities as privately owned Palestinian land, while the remaining 23 per cent have concerned structures built on land designated as State land; see Office for the Coordination of Humanitarian Affairs, "Under threat: demolition orders in Area C of the West Bank".

[57] See Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016".

[58] Ibid.

[59] Ibid.

[60] See Amira Hass, "Israel dramatically ramping up demolitions of Palestinian homes in West Bank", *Haaretz*, 21 February 2016, available from http://www.haaretz.com/israel-news/.premium-1.704391.

[61] See A/HRC/31/43, paras. 50–60; and A/HRC/24/30, paras. 28–29.

[62] See A/68/513, paras. 30–34; A/HRC/25/38, paras. 11–20; A/HRC/31/43, paras. 44 and 46; A/HRC/28/80, para. 24; and A/69/348, para. 13.

[63] See http://bimkom.org/eng/wp-content/uploads/jahalin/al%20kurshan.htm.

[64] Ibid.

planning for the community. As a result, necessary building permits cannot be obtained. Residents of Kurshan are not connected to the electrical grid or the sewage system and receive water through private connections. The children who live in Kurshan attend a primary school in nearby Abu Al-Hilw.

39. In July 2011, the Israeli Civil Administration announced plans to relocate Bedouin communities from the periphery of Jerusalem, the Jordan Valley and the South Hebron Hills.[65] It invoked the absence of rights to land as well as the lack of necessary building permits for homes and other structures to justify the relocation.[66] During the reporting period, the Administration demolished 30 structures, including 11 homes, on 9 October 2016. Nine families comprising 47 individuals, including 26 children, were forcibly evicted and left homeless. More than a third of the demolished structures were built as part of a donor-funded project consisting of eight residential structures and five latrines. Emergency tents provided by donors the day after the demolition were confiscated by Israeli authorities on 14 October 2016.

40. According to the Kurshan community, for two months after the forced eviction, members of a settler organization were seen in the area, apparently to monitor the situation. A delegation of the Israeli Civil Administration visited the community, advising the residents to move to either Al Jabal or Nuweima in Area C. As of the end of May 2017, six months after the demolition, the Administration had prevented the provision of humanitarian assistance for the community, including temporary shelters. OHCHR observed that while most forcibly evicted families had reconstructed makeshift shelters from the rubble of their demolished homes, those shelters were far from adequate.

Case study 2: Khirbat Tana

41. Firing zones for military training purposes cover large tracts of land in the West Bank: approximately 17.5 per cent of the total area of the West Bank and 29 per cent of Area C.[67] These areas are also home to some 6,200 people from 38 Palestinian communities. Residents of firing zones often lack access to essential services such as water, sanitation and health care. They also often face settler violence, harassment and confiscation of property for entering the zone without the necessary permission from the Israeli Civil Administration.[68]

42. One such village is Khirbat Tana, located in Area C, in the northern Jordan Valley. It is home to some 250 people, who live in permanent and temporary structures, tents and old caves and whose livelihoods consist of sheep- and cattle-herding, farming and seasonal agricultural work. They lead semi-nomadic lives, spending part of the year in Khirbat Tana and the other part in the nearby village of Bayt Furik.

43. The Israeli Civil Administration does not recognize Khirbat Tana as a village and therefore has refused to consider it for master planning, also prohibiting

[65] See A/67/372, para. 36.

[66] See B'Tselem, "Civil administration plans to expel tens of thousands of Bedouins from Area C", 7 October 2013, available from http://www.btselem.org/settlements/20111010_forced_eviction_of_bedouins.

[67] See Office for the Coordination of Humanitarian Affairs, "Wide-scale demolitions in Khirbet Tana", 4 March 2016, available from https://www.ochaopt.org/content/wide-scale-demolitions-khirbet-tana; see also Kerem Navot, "A locked garden: declaration of closed areas in the West Bank" (March 2015), available from http://www.keremnavot.org/a-locked-garden.

[68] See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "The humanitarian impact of Israeli-declared 'firing zones' in the West Bank", fact sheet (August 2012), available from https://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf.

construction in the area.[69] This prohibition has triggered regular demolitions of homes, animal shelters and water storage facilities, as well as the destruction of a primary school.

44. On 3 January 2017, the Israeli Civil Administration demolished 49 structures in Khirbat Tana, including 13 residential structures, 9 portable toilets and 26 structures used for agricultural purposes. Thirty of the demolished structures were donor-funded. Fifty people, including 22 children, were consequently left homeless. During this demolition drive, the Administration also issued a stop-work order regarding the ongoing reconstruction of the local school funded by the European Union, which had been demolished in 2011 and again in 2016.[70]

45. The recent demolitions and forced evictions continued a wave that had begun in July 2005, when the Israeli Civil Administration had demolished almost all the buildings in the village and blocked the entrances of caves that were being used as homes by some of the villagers. Five additional rounds of forced evictions took place between 2009 and 2011.[71] The Administration also carried out four rounds of demolitions between February and April 2016.[72] One woman from Khirbat Tana told OHCHR that she had faced house demolitions approximately a dozen times in her life.

46. The Minister of Defence of Israel claimed that the location of the villagers in a firing zone posed a danger to their lives.[73] In its responses to court petitions against the demolition orders, the Government of Israel claimed that the construction of dwellings on the site had begun in the late 1990s, long after the area had been declared a firing zone, and that most residents were using the residential and other structures on a seasonal basis and had residences in the nearby village of Bayt Furik.[74] However, it acknowledged the presence of a mosque from the Ottoman period on the site,[75] which supported the claim of some residents of Khirbat Tana that the community had been present there long before the designation of the area as a firing zone.

47. In general, in addition to questions about the legality of the confiscation and destruction of private property and the forced evictions that have followed the

[69] See Noga Kadman, *Acting the Landlord: Israel's Policy in Area C, the West Bank* (Jerusalem, B'Tselem, June 2013).

[70] See Amira Hass, "First week of 2017: Israel demolishes homes of 151 Palestinians, almost four times last year's average", *Haaretz*, 7 January 2017, available from http://www.haaretz.com/israel-news/premium-1.763331.

[71] In March 2011, the Israeli Civil Administration demolished all 42 structures in the village, including a primary school and water cisterns. It also blocked the entrances to eight caves used as residences as well as shelters for livestock. This forced eviction left 152 villagers, including 64 children, homeless. See B'Tselem, "The village of Khirbet Tana", 17 April 2016, available from http://www.btselem.org/jordan_valley/tana; see also Office for the Coordination of Humanitarian Affairs, "Wide-scale demolitions in Khirbet Tana".

[72] See A/71/355, para. 22.

[73] See Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, "Third large-scale demolition in Khirbet Tana in 2016", 21 March 2016, available from https://www.ochaopt.org/content/third-large-scale-demolition-khirbet-tana-2016.

[74] See B'Tselem, "The village of Khirbet Tana".

[75] See Office for the Coordination of Humanitarian Affairs, "United Nations Humanitarian Coordinator visits Palestinian community of Khirbet Tana and warns of risk of forcible transfer", press release, 28 March 2016, available from http://data.ochaopt.org/documents/hc_statement_demolitions.khirbet%20tana_english.pdf.

declaration of a firing zone,[76] there is the concern that some land taken by the Israeli military and closed off for firing zones will be used for future settlement expansion. Instances of the transfer of land from firing zones to settlements only reinforce that concern.[77] One NGO study based on field observations and interviews resulted in the conclusion that almost 80 per cent of the firing-zone land designated for training purposes (approximately half of the total area of firing zones) was not used for such purposes.[78]

48. There is also the concern that in some cases, firing zones may be used for agricultural settlement expansion.[79] With respect to firing zone 904a, in which Khirbat Tana is located, settlers are using approximately 755 dunums (75.5 hectares) of land for agricultural purposes.[80] Moreover, there are also two settlement outposts (Gidonim 777 and Havat Binyamin) located within the zone. While those outposts have also received demolition orders, only a few of the orders have been acted upon. Significantly, in 2012, the Blue Line task force reclassified one of the two outposts as being on State land, ostensibly with the intention of settlement expansion.[81]

Impact of forced evictions on human rights

49. The impact of demolitions and forced evictions on communities in Kurshan and Khirbat Tana is not unique, but illustrates the experience of several other communities in similar situations in Area C. Forced evictions resulting from demolitions, as described in the instances referred to above, are a gross violation of human rights,[82] including the rights to adequate housing, water, sanitation, health, education and privacy.

50. The most direct impact of house demolitions is homelessness, in violation of the right to adequate housing as protected by article 11 of the International Covenant on Economic, Social and Cultural Rights. Although humanitarian organizations provide forcibly evicted families with aid, including material for the rebuilding of their homes, it can take up to several weeks for the aid to reach the affected family. In the meantime, victims have no option but to live in rudimentary

[76] While art. 49 of the Fourth Geneva Convention allows for the temporary evacuation of protected persons for their own security or for an imperative military reason, forced evictions for the establishment of firing zones for training purposes do not meet such a threshold, and raise concern about possible forcible transfer; see Michael Bothe, "Expert opinion: limits of the right of expropriation (requisition) and of movement restrictions in occupied territory" 2 August 2012, available from http://www.acri.org.il/en/wp-content/uploads/2013/01/Michael-Bothe-918-position.pdf; see also Akevot, "Firing zone 918: a 1967 legal opinion presented to the high court", 11 January 2017, available from http://akevot.org.il/en/article/firing-zone-918-case-1967-legal-opinion-presented-high-court/?full.

[77] For example, in January 2015 the General Officer Commanding the Central Command signed an order reducing the area of firing zone 912 to make way for housing units to be constructed as a part of Ma'ale Adummim's expansion plans. Similarly, in 2011 more than 900 dunums (90 hectares) of land from firing zone 203 were transferred for the establishment of an industrial zone, Sha'ar Shomron, to serve the settlements of Oranit and Elkanah. See Chaim Levinson, "IDF cancels status of firing zone to enable expansion of nearby settlement", *Haaretz*, 8 March 2015, available from http://www.haaretz.com/israel-news/.premium-1.645771; see also Kerem Navot, "A locked garden: declaration of closed areas in the West Bank".

[78] See Kerem Navot, "A locked garden: declaration of closed areas in the West Bank".

[79] Ibid. According to the Kerem Navot study, in 2015 approximately 14,480 dunums (1,448 hectares) of agricultural land cultivated by Israelis was located in closed military zones, including almost 20 per cent of land located in firing zones.

[80] Ibid.

[81] See Office for the Coordination of Humanitarian Affairs, "Third large-scale demolition in Khirbet Tana in 2016".

[82] See Commission on Human Rights resolution 1993/77.

and inadequate makeshift housing or with relatives or neighbours. Khirbat Tana residents told OHCHR that, while many of them had tried to rebuild their homes using material from the demolished homes, the Israeli Civil Administration would often tear their tents down and bury them in debris to prevent their reuse.

51. In Kurshan, residents described to OHCHR surveillance that had been conducted by security forces and members of the Israeli Civil Administration for several weeks after the forced eviction. According to them, Israeli authorities have been monitoring all movements in and out of the community to ensure that no building material is brought in for reconstruction. In order to prevent additional confiscations, aid material that the community has received has been stored in Jericho following the confiscation of tents provided by representatives of the Palestine Red Crescent Society for affected families. Forcibly evicted families have therefore had to live in cramped conditions with relatives whose houses were not destroyed. One man spoke of the difficulty of having to take his wife and three children to live with his brother's family of six for more than two months. As at 31 May 2017, more than eight months after the forced evictions, almost all affected people were living in highly inadequate makeshift housing made out of damaged material from their previous homes, while one family continued to live with relatives.

52. The demolition of toilets and bathing facilities adds to the hardships faced by communities after a house demolition. Two women told OHCHR of the difficulty and lack of privacy that women and girls faced in forcibly evicted communities as they were compelled to use the open space around their communities.

53. The forced evictions and the subsequent closure of the area by Israeli authorities have posed a serious health risk to some of the affected people. Two women from Kurshan, whose house was demolished in October 2016, reportedly had to walk across rugged terrain, 2 to 3 km from the village, in order to reach a medical facility in order to give birth, because the Israeli authorities would not allow any vehicles to enter the community. Another woman, who was pregnant and injured while trying to salvage her belongings, also had to walk to reach medical assistance.

54. In the context of demolitions conducted in the West Bank and East Jerusalem in 2016, the NGO Médicos del Mundo stressed that there was no doubt that the current wave of demolitions was having negative psychosocial effects on the communities affected, in the short, medium and long terms.[83] Several people interviewed by OHCHR described the fear and stress that they had experienced as a result of demolitions.

55. House demolitions and forced evictions can have a particularly deep and lasting impact on children. Residents told OHCHR of the fear that demolitions had instilled in children, some of whom had been unable to sleep at night for a week after the demolition. In Kurshan, a resident said that, following the demolition, his children, who were between 2 and 12 years of age, had become fearful of strangers and would become alarmed at the sight of any vehicle approaching the community.

56. Israeli authorities have also demolished community centres and schools in the above-mentioned communities. For example, in a case monitored by OHCHR, the demolition of the community centre in Khirbat Umm al Khayr (Hebron Governorate), which had also served as a primary school, affected 35 children. In Khirbat Tana, the demolition of the local school resulted in children having to be

[83] See Emilien Tapia, "Demolishing mental health: the 2016 wave of demolitions in the West Bank and East Jerusalem and its impact on the Palestinian population's mental health" (Médicos del Mundo, 2017).

temporarily transferred to a school 15 km away, in Bayt Furik, to continue their education. During that time, they were separated from their families during the week.

57. The losses caused by demolitions (including of animal shelters) and forced evictions in the Bedouin and herder communities have also had an impact on the livelihoods of affected families and increased their expenditures. Women spoke about the destruction of material, which had added to their financial burden, in particular because the Israeli Civil Administration does not allow sufficient time for people to remove their belongings before a demolition. Two women told OHCHR that Civil Administration personnel had removed their bedding and other large items from their homes, but that all their kitchen utensils and provisions, such as grain, sugar and oil, had been destroyed during the demolitions. Another woman, in Khirbat Tana, reported that one of her main responsibilities during demolitions, which she had faced 10 to 12 times, was to save the cheese that she produced for sale.

58. Forced evictions further entrench patterns of poverty, which often directly affects the rights to health, food and education. According to a study of Bedouin and herder communities in Area C, carried out by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the World Food Programme (WFP), between 2010 and 2016 there was an overall increase in the proportion of food-insecure households from 55 to 61 per cent, and a decrease in the proportion of food-secure households from 20 to 6 per cent.[84]

V. Settlements in the occupied Syrian Golan

59. Illegal settlement expansion and land appropriation by the Government of Israel in the occupied Syrian Golan continued during the reporting period, in violation of Israel's obligations under international law. The Secretary-General reaffirms the continuing validity of Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.[85]

60. The 34 illegal Israeli settlements in the occupied Syrian Golan are home to an estimated 23,000 Israeli settlers and are supported by the Government of Israel through financial incentives. The settlements also benefit from a disproportionately larger allocation of natural resources, such as clean water, than what is allocated to Syrian residents.[86] In October 2016, the Government of Israel reportedly approved the construction of 1,600 new homes in the Israeli settlement of Katzrin.[87] Syrian residents of the Golan, estimated to number roughly 25,000, live in five villages that face significant challenges in terms of growth and development, owing in part to restricted access to land and resources.[88]

61. Discriminatory land, housing and development policies established by the Israeli authorities have made it nearly impossible for Syrians to obtain building permits. Consequently, the Syrian villages in the occupied Syrian Golan are

[84] See UNRWA and WFP, "Food security among Bedouins and herding communities in Area C" (2016).

[85] See A/71/355, para. 66.

[86] See A/HRC/28/44, para. 54; and A/HRC/31/43, para. 64.

[87] See http://www.timesofisrael.com/liveblog_entry/israel-okays-1600-new-homes-in-golan-heights/.

[88] See Al-Marsad, "Fifty years of the occupation in Syrian Golan", 8 June 2017, available from http://golan-marsad.org/50-years-of-the-occupation-of-the-syrian-golan/.

increasingly overcrowded, with strained infrastructure and limited resources.[89] Israeli authorities reportedly undertook the first home demolitions in the occupied Syrian Golan on 7 September 2016, in the village of Majdal Shams, arguing that it had been built without the necessary permit.[90] The human rights organization Al-Marsad, based in the occupied Syrian Golan, reported that a number of Syrian homeowners had received demolition notices, and expressed concern at the possibility that Israel would institute a systematic policy of home demolitions in the occupied Syrian Golan.[91]

VI. Conclusions

62. **As described in previous reports of the Secretary-General, Israel's establishment and expansion of settlements in the Palestinian territory, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law. The settlements and their continued expansion have adversely affected the human rights of Palestinians, resulting in forced evictions, the loss of property and sources of livelihood, and restrictions on access to services.**

63. **Through the takeover of Palestinian land, the settlements have fragmented the West Bank,[92] as have support for settlement outposts and the declaration of State lands, seam zones,[93] firing zones for training purposes, nature reserves and national parks and survey lands.[94] As indicated in the present report, many of those processes have continued to advance steadily.**

64. **Moreover, in much of Area C and East Jerusalem, various measures put in place by the Israeli authorities have continued to strengthen a coercive environment. It may amount to forcible transfer, in violation of Israel's obligations under international humanitarian law and human rights law.[95]**

65. **Forced evictions resulting from demolitions not only are a violation of the right to adequate housing and a key factor in the creation of a coercive environment, but also have negative impacts on a wide range of human rights. Those negative impacts include restrictions on movement, including strict residency regimes, especially in East Jerusalem, and the denial of access to essential services such as water and sanitation.[96]**

66. **Settlement activity is incompatible with Israel's obligations under international law. It lies at the core of a range of human rights violations and humanitarian needs in the West Bank, including East Jerusalem, and also constitutes one of the main obstacles to a viable Palestinian State.**

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[89] See Al-Marsad, "Israeli authorities demolish home in the Occupied Syrian Golan", 8 September 2016, available from http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/.

[90] Ibid.

[91] Ibid.

[92] See A/HRC/31/43, A/HRC/22/63, A/70/351 and Human Rights Council resolution 25/28.

[93] Seam zones are areas located between the Green Line and the wall.

[94] Survey lands are unregistered areas whose status is under examination by the Israeli authorities with a view to retaining them as government property to enable the State to use them.

[95] See A/HRC/34/39, para. 42; Fourth Geneva Convention, arts. 49 and 147; and rule 129 of customary international humanitarian law.

[96] See A/HRC/34/39, paras. 40–57.

VII. Recommendations

67. **On the basis of the present report, the Secretary-General recommends that the Israeli authorities:**

(a) **Implement all relevant United Nations resolutions, including Security Council resolution 2334 (2016), in which the Council, inter alia, calls upon Israel to cease all settlement activity, and Council resolution 497 (1981);**

(b) **Halt and reverse all settlement development and related activities in the Occupied Palestinian Territory, including occupied East Jerusalem, and the occupied Syrian Golan, including through the discontinuation of support for private settler organizations' initiatives aimed at the seizure of Palestinian properties and the forced eviction of their residents;**

(c) **Immediately halt forced evictions and cease any activity that would contribute to the creation of a coercive environment and/or lead to a risk of forcible transfer;**

(d) **Cease from taking any initiative to relocate communities in Area C in contravention of international law, including Bedouin and herder communities;**

(e) **Review planning laws and policies to ensure that they are compliant with Israel's obligations under international human rights and humanitarian law;**

(f) **Take all necessary steps to ensure that Palestinians in East Jerusalem and Area C of the occupied West Bank are not denied access to essential services, including electricity, water and sanitation, and natural resources, including land for agricultural purposes.**

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

Report of the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 71/98. It focuses on Israeli practices affecting the human rights of Palestinians in the Occupied Palestinian Territory, including East Jerusalem, with a particular focus on the use of force, detention and collective punishment practices, the situation of human rights defenders and the continuing lack of accountability for violations of international human rights law.

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I. Introduction

1. The present report covers the period from 1 June 2016 to 31 May 2017 and is based on monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, with additional information collected by other United Nations entities and non-governmental organizations. It should be read in conjunction with other reports of the Secretary-General and the High Commissioner (see A/71/364, A/HRC/34/36 and A/HRC/34/38).

2. Although there were notably fewer incidents of violence and casualties than in the previous reporting period, the situation in the Occupied Palestinian Territory remained tense and unstable. A total of 63 Palestinians, including 20 children, were killed and 1,446 injured, while 13 Israelis, including 1 child, were killed and 176 injured.[1]

3. There were noticeably reduced attacks against Israelis in the West Bank, including East Jerusalem, compared with the previous reporting period. Most attacks appeared to be conducted by young unaffiliated Palestinians. There was also a significant decline in the number of clashes, demonstrations and search and arrest operations compared with the previous reporting period. However, serious concerns remained over the alleged use of excessive force and unlawful killings, including extrajudicial executions, by Israeli forces in response to attacks and during clashes.

4. In the Gaza Strip, the 2014 ceasefire continued to hold, with few hostilities-related casualties. Palestinian casualties in the context of law enforcement were also relatively fewer than in previous years. However, the continuation of the Israeli blockade[2] and closures amidst the deepening intra-Palestinian political division during the reporting period has had serious humanitarian implications for the residents of Gaza. In particular, the closure in mid-April of the Gaza power plant due to a dispute between the Palestinian Authority and Hamas over taxation on fuel has led to significant cuts to electricity (only four hours of electricity a day),[3] significantly exacerbating a crisis in utility services, including water and water treatment services.[4] Hospitals in Gaza are also working at minimal capacity, risking the lives of vulnerable patients.[5]

II. Legal framework

5. A detailed analysis of the applicable legal framework can be found in the report of the Secretary-General to the Human Rights Council (A/HRC/34/38, paras. 3–11).

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[1] Data collected and provided by the Office for the Coordination of Humanitarian Affairs and the United Nations Children's Fund.

[2] The term "blockade" is used to describe the imposition by Israel of prolonged closures and economic and movement restrictions in the Gaza Strip; see A/HRC/34/38, para. 30.

[3] Statement by the Humanitarian Coordinator, Robert Piper, on the electricity crisis in Gaza, 19 May 2017. Available from www.ochaopt.org/content/statement-humanitarian-coordinator-robert-piper-electricity-crisis-gaza.

[4] "The humanitarian impact of the Gaza electricity crisis, May 2017", 4 May 2017. Available from http://reliefweb.int/report/occupied-palestinian-territory/humanitarian-impact-gaza-electricity-crisis-may-2017.

[5] Monthly humanitarian bulletin, April 2017, 10 May 2017. Available from www.ochaopt.org/content/monthly-humanitarian-bulletin-april-2017.

III. Implementation of General Assembly resolution 71/98

A. Use of force in the context of law enforcement

6. Instances alleging the use of excessive force by Israeli security forces[6] in the context of law enforcement, in particular the common resort to firearms in situations in which their use may have been unwarranted, have been previously reported.[7] The Secretary-General and the High Commissioner for Human Rights have consistently raised concerns over such incidents during the past two years.[8] These concerns remain as the nature and type of alleged instances of violations suggest that there has been little change in policy or practice on the ground during the reporting period.

7. In the unilaterally imposed access-restricted areas around Gaza, 2 demonstrators were killed in separate incidents along the fence, while over 90 persons, including 13 children and 2 women, were injured, largely during Friday weekly demonstrations and clashes. Of the injured, 62 were shot with live ammunition.[9] For example, on 24 February 2017, a 16-year-old boy was seriously injured after being shot with live ammunition in his left leg. At the time, he was approximately 150 m from the fence in the central Gaza Strip, reportedly only watching the clashes.

8. There are similar concerns with respect to enforcement of the access-restricted areas off the Gaza coast, where 20 fishers were reportedly injured as a result of the use of firearms by the Israel Defense Forces during the reporting period.[10] One 25-year-old fisherman was killed on 15 May 2017 when his boat was fired at by the Israeli navy off the Sudaniyah coast, in the northern Gaza Strip. Three others on the boat were rescued by another fishing boat. According to the Israel Defense Forces, they fired after the boat "deviated from the permitted fishing zone, and continued its advance, despite warning calls and shots in air".[11] Although the fishers who were on the boat corroborated the warning calls and shot, they claimed that the incident took place well within the Israeli-imposed fishing limit of six nautical miles. The Israel Defense Forces reportedly launched an investigation into the incident. Regarding the use of live fire, Israeli authorities have claimed that Palestinian militant groups in Gaza allegedly attempt to smuggle weapons by sea, including using fishing vessels.[12] Incidents of the Israeli navy firing at Palestinian fishing vessels are a frequent occurrence, often resulting in damage to the vessels, injuries and, in a few cases, death. Such incidents raise concerns whether the rules of the Israeli security forces on the use of force were complied with, or whether those rules are consistent with international law and standards.

9. In Israel and the West Bank, including East Jerusalem, 62 Palestinians were reportedly shot dead by Israeli security forces (39 of them while carrying out or allegedly carrying out attacks against Israelis), while a further 372 were injured with

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[6] The Israeli security forces comprise the law enforcement, military and intelligence agencies of Israel.

[7] A/71/364, paras. 12–13; A/HRC/34/36, paras. 8–11; A/HRC/31/40, paras. 21–25; and A/70/421, paras. 30–32.

[8] A/71/364, paras. 8–16; A/HRC/34/36, paras. 7–17; and A/HRC/31/40, paras. 10–28.

[9] Information directly from Al-Mezan Centre for Human Rights.

[10] Ibid.

[11] Associated Press, "Gaza fisherman killed by Israeli fire, IDF probing incident", 15 May 2017. Available from www.ynetnews.com/articles/0,7340,L-4962549,00.html.

[12] Judah Ari Gross, "Israel nabs Hamas man who tried to smuggle explosives into Gaza", 13 September 2016. Available from www.timesofisrael.com/israel-nabs-hamas-man-trying-to-smuggle-explosives-into-gaza/.

live ammunition.[13] A number of incidents during the reporting period strongly suggest unlawful killing. This includes the killing of a 17-year-old boy by Israeli security forces on 17 March in Arrub refugee camp near Hebron. According to eyewitnesses, the boy was running away after throwing a Molotov cocktail at a watchtower when he was shot in the back with live ammunition and died on the spot. According to some witnesses, the boy was shot by soldiers who appeared to be waiting for him nearby. There is no indication that the suspect, who was reportedly shot while running away, posed any imminent threat of death or serious injury at the moment that he was killed.

10. The Israeli security forces also continued using firearms against stone throwers, which in some circumstances appears to have constituted use of excessive force. For example, a 17-year-old Palestinian boy was shot dead by Israeli security forces on 16 January in the village of Tuqu', near Bethlehem. A spokesperson for the Israeli security forces claimed that the soldiers returned fire towards rioters who were throwing stones and firebombs. Eyewitness testimony collected by OHCHR, supported by video footage, indicates that the victim was more than 80 m away from the soldiers when they shot him.

11. In another instance, on 12 May, a Palestinian man was shot dead by the Israel Defense Forces in the West Bank village of Nabi Saleh during clashes. Video footage and eyewitness testimony received by OHCHR indicate that the man was sporadically throwing stones at soldiers from at least 70–80 m away. The soldiers had protective gear and sufficient cover, as they were positioned behind an abandoned building. A spokesperson for the Israel Defense Forces subsequently claimed that a "violent riot involving dozens of Palestinians hurling rocks at (Israeli army) forces" had taken place and that dispersal means, including firing live ammunition, had been used "in response to that imminent threat".[14] Similarly, a 26-year-old Gaza resident was shot in the chest with live ammunition on 18 November 2016 while throwing stones at the Israeli security forces near the Israel-Gaza fence.[15] While OHCHR monitoring found that there was only a short distance between the killed man and the Israel Defense Forces, the soldiers were fitted with protective gear and were standing behind military vehicles and did not appear to be at immediate risk.

12. Investigations have reportedly been announced by Israeli authorities into both the Arrub and Tuqu' incidents that resulted in the fatal shooting of children, but it is not clear whether the Nabi Saleh or the Gaza fence killings are being investigated (see sect. E).

13. The reported incidents with firearms against demonstrators where such use may not have been warranted has been consistently documented over the past two years.[16] Such incidents raise concerns as to whether the rules concerning the use of force, including the use of firearms, are consistent with international standards,[17] or whether there have been repeated failures to ensure that such rules are properly followed and adhered to by security forces operating on the ground. As previously

[13] Information directly from the Office for the Coordination of Humanitarian Affairs.

[14] Agence France-Presse and Times of Israel staff, "Palestinian shot dead in West Bank clash with IDF — medics", 12 May 2017. Available from www.timesofisrael.com/palestinian-shot-dead-in-west-bank-clash-with-idf-medics/.

[15] As monitored by OHCHR; a 16-year-old boy was killed in similar circumstances when hit in his head by a flare during a clash on 9 September 2016.

[16] A/HRC/34/36, para. 11; A/71/364, para. 12; and A/HRC/31/40, paras. 18 and 22.

[17] See Code of Conduct for Law Enforcement Officials, 1979, arts. 2 and 3; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990, principles 5, 9, 13 and 14.

noted,[18] law enforcement officials may use force when strictly necessary and to the extent required for the performance of their duty.

14. For instance, on 7 May, Israeli security forces shot and killed a 16-year-old Palestinian girl at Damascus Gate in East Jerusalem. Although police sources claim that she tried to attack border police guards with a knife, according to eyewitnesses she did not attack the security forces but stood a few metres away shouting at them. The police, most of whom were positioned behind a chest-high metal barrier, began shooting when she refused to comply with the order to drop the knife,[19] without any attempt to use the less lethal weapons with which they were equipped. Witnesses recounted that the police continued to fire at her, even after she had fallen to the ground. Witnesses reported 10 to 20 gunshots to OHCHR, with at least 5 to 6 hitting a taxi parked nearby.

15. Previous reports have also highlighted such instances of the possible use of excessive force to "confirm kills".[20] Human rights non-governmental organizations have raised concerns that, irrespective of the rules on the use of force, including the use of firearms, there appears to be a policy that countenances the use of excessive force in circumstances where it may not be warranted, which has broader community and political support.[21] Such claims appear to be supported, for instance, by a demonstration at a police-community relations event held in the Israeli town of Ramat Hasharon one day after the deadly shooting of a teenage girl in East Jerusalem. Video footage of the event shows four policemen from special patrol units simulating how a "terrorist" is dealt with, by firing at the person repeatedly after the person has fallen to the ground.[22]

16. It is of grave concern that a number of Israeli leaders and officials have spoken in support of the use of lethal force against Palestinian assailants irrespective of the circumstances, which may detrimentally affect societal views on the acceptable levels of force in the context of law enforcement. This led the authors of a study to conclude that there appeared to be "a basic attitude of the Jewish public that at the time of terror attacks one can take the law into one's own hands".[23]

17. Previous reports of the Secretary-General have reiterated that, in law enforcement operations, the use of firearms must be limited to situations in which it is strictly necessary, that is, it should be a last resort, and only in response to an

[18] A/HRC/34/38, paras. 44–46.

[19] Judah Ari Gross, "Female assailant tries to stab cop in Jerusalem, is shot dead — police", 7 May 2017. Available from www.timesofisrael.com/female-assailant-tries-to-stab-cop-in-jerusalem-is-shot-dead/.

[20] A/71/364 and A/HRC/31/40.

[21] See e.g. Amnesty International Israel, "Shoot-to-kill policy", available from www.amnesty.org.il/en/cat/use-excessive-force-dispersal-demonstrations-west-bank/; Human Rights Watch, "Israel/Palestine: some officials backing 'shoot-to-kill'", 2 January 2017, available from www.hrw.org/news/2017/01/02/israel/palestine-some-officials-backing-shoot-kill; B'Tselem, "From trigger-happy to shoot-to-kill: Israeli security forces killed 101 Palestinians, incl. 31 minors in 2016", 20 April 2017 (with references to officials' statements), available from www.btselem.org/firearms/20170420_2016_fatalities; see A/71/364 (with references to officials' statements).

[22] Alexander Fulbright, "Today's lesson: police show 5th graders how to shoot a terrorist", 9 May 2017, available from www.timesofisrael.com/todays-lesson-police-show-5th-graders-how-to-shoot-a-terrorist/; Yaniv Kubovich and Ilan Lior, "Israel police's activity for fifth graders: how to verify an assailant is dead", *Haaretz*, 9 May 2017, available from www.haaretz.com/israel-news/.premium-1.788219.

[23] Ephraim Yaar and Chanan Cohen, "The peace index: August 2016", 7 September 2016. Available from www.peaceindex.org/indexMonthEng.aspx?num=308&monthname=August.

imminent threat of death or serious injury.[24] Use of force that does not comply with these principles and results in death may amount to an arbitrary deprivation of life.[25]

B. Practices raising concern of collective punishment

18. Practices that may amount to collective punishment, that is, penalizing persons for acts that they did not commit, continued. In addition to being expressly prohibited by international humanitarian law (e.g. Hague Regulations, art. 50, and Fourth Geneva Convention, art. 33), collective punishment violates international human rights law, in particular the right to a fair trial and other due process guarantees, including the principle of individual responsibility and the presumption of innocence.

19. A total of 16 family homes of Palestinians who carried out attacks on Israelis were punitively demolished or sealed during the reporting period, resulting in the forced eviction of 78 persons, including 30 children, thereby violating a range of rights, including the right to adequate housing.[26] Fadi al Qunbar, from the East Jerusalem neighbourhood of Jabal al-Mukabbir, carried out an attack on 8 January by driving a vehicle into a group of people in Jerusalem, which killed four Israeli soldiers. Al Qunbar was killed — his body has still not been returned to the family — but his family home was nonetheless punitively sealed on 22–23 March, leading to the forcible eviction of his wife and four children.[27]

20. As in previous instances of punitive sealing or demolition of family houses of attackers, the state attorney's office argued that the sealing of Al Qunbar's house was not a penalty for the attack, but rather was aimed at deterring further attacks.[28] In at least one case, the police district commander permitted the family members of one of the soldiers killed in the attack to attend the sealing; they were escorted by the police and were provided explanations of the actions taking place, which reiterated the punitive nature of the action.[29] As a result of public criticism, the practice was banned.[30]

21. The reporting period also saw an increase in the punitive revocation of East Jerusalem residency status as a form of collective punishment.[31] Following the above-mentioned attack on 8 January, 11 members of the Al Qunbar family had their residency status in East Jerusalem revoked on 25 January. Announcing the decision to the media, the Minister of the Interior of Israel said: "Let it be known to all who are considering carrying out an attack that their families will pay a heavy price for their actions and the consequences will be severe and far-reaching."[32] A further 11 other members of the extended Al Qunbar family had the renewal of their

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[24] A/HRC/34/38, para. 46.

[25] International Covenant on Civil and Political Rights, art. 6.

[26] International Covenant on Economic, Social and Cultural Rights, art. 11.

[27] Hamoked, "The house in Jabal Mukabber will be sealed: the HCJ justices overcame the discomfort involved in the severe harm caused to a young widow and her four children and unanimously approved the punitive sealing order", 26 February 2017. Available from www.hamoked.org/Document.aspx?dID=Updates1840.

[28] *Ahmed Qanbar et al. v. GOC Home Front Command*, HCJ 799/17, Respondent's Reply, para. 35. See www.hamoked.org/files/2017/1161842_eng.pdf.

[29] See letter dated 25 May 2017 from the Assistant Deputy Attorney General, available from www.hamoked.org/files/2017/1161843_eng.pdf.

[30] Even when not carried out collectively, this would be a violation of the right to liberty of movement and freedom to choose residence. See the International Covenant on Civil and Political Rights, art. 12.

[31] Danny Adeno Abebe, "Deri revokes residency status of Jerusalem terrorist's family", 1 October 2017. Available from www.ynetnews.com/articles/0,7340,L-4905413,00.html.

"military stay permits" delayed. The documents, which allow them to live in Jerusalem, expired on 5 March 2017. At the end of the reporting period, 10 of the permits had not yet been renewed and the files were reportedly with the Israel Security Agency (Shabak).

22. Among those who had their East Jerusalem residency revoked was 64-year-old Menwah Ahmad Hamdan al Qunbar, the mother of the attacker Fadi al Qunbar. She had received permanent residency status in 1988 after a family unification process, following her marriage to her East Jerusalem-resident husband in 1981. The day after the attack, personnel of the Israeli security forces gave her notice for a hearing at the Ministry of the Interior about her residency status. She informed OHCHR that she attended the hearing on 18 January. Although the notice was on the grounds that her marriage was bigamous and her residency was granted on the basis of false information, she alleged that this was not the focus at the hearing and that, instead, the discussion concerned the attack that her son had carried out and whether she supported or agreed with his actions. Menwah al Qunbar faces the risk of forcible transfer once her appeals against the revocation of her East Jerusalem residence permit are exhausted, which if implemented would constitute a grave breach of the Fourth Geneva Convention (arts. 49 (1) and 147). This, along with the other measures mentioned above, strongly suggests that these are punitive measures against the members of the extended Al Qunbar family in response to the attack carried out by their relative.

23. Collective punishment was not limited to the family members alone. In the aftermath of the attack, between 9 and 16 January, approximately 240 households living in 80 buildings in Jabal al-Mukabbir received notices of planning or zoning violations from the Jerusalem Municipality, putting them at risk of demolitions and forced evictions. The Office for the Coordination of Humanitarian Affairs also documented 12 non-residential structures demolished on the grounds of lack of building permits. Although this is not the first time that municipal authorities have taken such action in the neighbourhood, the intensity and extent of the measures and the particular timing of the action raise concerns that these ostensibly municipal actions were intended as punitive measures against the general population of the neighbourhood.

24. In another incident, an Israeli soldier was killed when a car rammed bystanders on 6 April near the Ofra settlement in the West Bank. The 23-year-old Palestinian attacker from Silwad was immediately arrested at the site; however, the Israel Defense Forces reportedly confiscated another car owned by the family and arrested the attacker's 17-year-old brother. He remains in administrative detention, without any charges against him, as a result of which he missed his final school examinations.

25. Immediately following the incident, at least five residents of Silwad reportedly had their work permits confiscated, while two other workers were sent back from the checkpoints when they attempted to cross into Israel for work. One of the men working in Jerusalem reported to OHCHR that Israel Defense Forces soldiers came to his house at 3 a.m. on 7 April and asked whether he had a work permit. They then took it away and asked him whether he knew about the attack near Ofra the day before. The man told OHCHR that his permit was similarly confiscated previously in October 2016, when another car-ramming attack took place.

26. Over the next two weeks, the Israel Defense Forces conducted at least three more operations in Silwad, confiscating 20 cars claimed to be stolen, as well as money from various families, alleging that it was financial support for or from Hamas. Among several such cases covered by the Office, a 40-year-old school bus driver told OHCHR that, in the early morning of 20 April, the Israel Defense Forces

raided his house and confiscated approximately 650 new shekels, claiming that these were funds for Hamas. They also confiscated his bus, which provides his livelihood, giving no reason therefor. Another businessman from Silwad had over 72,000 new shekels confiscated, including money from his children's savings.

27. The actions of the Israel Defense Forces in Silwad were given wide publicity in the Israeli media, with official statements claiming that they were "part of the 'concept of expanded prevention' for taking action against all the circles of support for the terrorist and his family".[33] No evidence was provided by the spokesperson that the money confiscated had any link to Hamas.

Gaza blockade and closure

28. The Secretary-General has repeatedly expressed his concern over the impact of the Gaza closures on the life of the civilian population, underlining that it may amount to collective punishment, which is prohibited under international law.[34] After nearly 10 years since the violent Hamas takeover of the Gaza Strip and the subsequent decision by Israel to intensify the closures on Gaza, the residents of Gaza are disproportionately affected by the restrictions on people and goods resulting from the blockade and closures, as well as from the unilateral declaration and enforcement by Israel of access-restricted areas.[35]

29. The reporting period saw a significant reduction in the movement of people to and from Gaza through Erez, the only crossing point available for people to cross from Gaza to Israel and the West Bank. Continued restrictions were imposed by the Egyptian authorities on the movement of people through the Rafah border crossing, which remained largely closed during the reporting period, except on very limited occasions. At the end of the reporting period, at least 20,000 people, including humanitarian cases, were waiting to cross into Egypt.[36]

30. During the reporting period, thousands of requests made to the Israeli authorities for permits to cross Erez went unanswered.[37] Out of the total permit requests made to Israeli authorities during the reporting period (70,939), 45.2 per cent did not receive a response.[38] Although the denial rate (14.3 per cent)[39] has decreased compared with the period from June 2015 to May 2016,[40] the rate of permit requests that went unanswered increased from 26.8 per cent in the previous period. United Nations national staff were also affected. Of the total monthly permit requests made on behalf of those employees during the period from June 2015 to March 2017, an average of 20 per cent went unanswered, and 35 per cent were denied.[41] While the aggregation of the denial rate and the rate of the permits that went unanswered accounts for 55 per cent of the permit requests made on behalf of those employees, and shows a 21 per cent decrease compared with the number of

[33] Judah Ari Gross, "IDF again raids Palestinian car rammer's hometown", 13 April 2017. Available from www.timesofisrael.com/idf-again-raids-palestinian-car-rammers-hometown/.

[34] A/HRC/34/38, para. 30.

[35] A/HRC/34/36, para. 36.

[36] Gaza crossings' operations status: monthly update — May 2017, 10 June 2017. Available from www.ochaopt.org/sites/default/files/gaza_crossings_operations_status_may_2017.pdf.

[37] That is, the permit is either misplaced, or is still under review either by the Coordination and Liaison Administration for Gaza or by Israeli intelligence, which conducts the security clearance of applicants.

[38] Information directly from the Palestinian Authority, General Authority of Civil Affairs.

[39] Ibid.

[40] Of the 93,873 permit requests made, 15,475 (or 16.4 per cent) were denied. Information directly from the Palestinian Authority, General Authority of Civil Affairs.

[41] Information directly from the Access Coordination Unit of the Office of the Resident and Humanitarian Coordinator.

permit requests that were denied or went unanswered during the period from June 2015 to May 2016,[42] the rate remains of particular concern, as it suggests that more than half of United Nations national staff were, in practice, not allowed to carry out their duties outside Gaza during the reporting period.

31. Rejections or delays in the granting of permits have also had a negative impact on patients. Although the monthly denial rate for patients' permits decreased from 6.6 per cent during the period from June 2015 to May 2016 to 5.8 per cent during the current reporting period, the monthly rate of unanswered permits almost doubled, from 20.8 per cent to 38 per cent.[43]

32. In other instances, patients were granted permits to cross Erez for medical treatment outside Gaza but were reportedly stopped by Israeli security forces at Erez and asked to provide information about armed groups in Gaza. Reportedly, those who did not cooperate with Israeli security forces had their access to medical care outside Gaza blocked, raising concerns as to the respect of international humanitarian law.[44] For example, a 36-year-old female cancer patient was granted a permit to cross Erez for medical treatment at Augusta Victoria Hospital in East Jerusalem on 22 February 2017. She told OHCHR that, as she was crossing Erez, she was stopped by Israeli security forces and asked to provide information about one of her relatives allegedly affiliated with an armed group in Gaza. She alleged that, as a result of her failure to provide the requested details, she was prevented from crossing and was forced to return to Gaza.

33. The limited access to work, movement restrictions, recurring hostilities and deepening political divisions brought the civilian population into an acute humanitarian crisis, with 40 per cent of the population living below the poverty line.[45] One in two people suffered from food insecurity and one in three from severe food insecurity.[46] Approximately 912,000 refugees depended on humanitarian aid to survive.[47] Despite significant progress during the reporting period in the reconstruction of the houses that were destroyed during the conflict in 2014, over 6,300 families (approximately 33,000 people) reportedly remained displaced by the end of May 2017.[48]

34. The enforcement by the Israel Defense Forces of the unilaterally imposed access-restricted areas on land has had a significant impact on the 113,000 people living in the proximity of those areas, particularly farmers. Israeli measures in the access-restricted areas, including regular military incursions, clashes and shootings along the fence, levelling of land and damage to property have had a devastating

[42] The monthly approval rate for permit requests made on behalf of these employees during the period from June 2015 to May 2016 was estimated at 24 per cent, which suggests that 76 per cent of the requests were either denied or remained under security review or went unanswered. See A/71/364, para. 32.

[43] Information directly from the World Health Organization.

[44] Fourth Geneva Convention, arts. 27 and 31.

[45] United Nations Development Programme, "USD 5 million for youth job creation programme in Gaza: Palestinian Ministry of Labour and UNDP sign agreement with funds from Islamic Development Bank", 28 July 2016. Available from www.ps.undp.org/content/papp/en/home/presscenter/pressreleases/2016/07/28/usd-5-million-for-youth-job-creation-programme-in-gaza.html.

[46] World Food Programme, "Where we work: State of Palestine", 2017. Available from www1.wfp.org/countries/state-palestine.

[47] United Nations Relief and Works Agency for Palestine Refugees in the Near East, "Emergency appeal 2017", p. 2.

[48] "Palestine", fact sheet, May 2017. Available from www.sheltercluster.org/sites/default/files/docs/one_page_factsheet_may_2017.pdf.

impact on their rights and on their standard of living.[49] For example, since the end of the 2014 hostilities, the Israel Defense Forces have reportedly sprayed herbicides twice a year (in December–January and April) on Palestinian farmlands located close to the fence,[50] adversely affecting farmers.[51] The spraying of herbicides in January 2017 reportedly affected over 2,900 dunums, causing 270 farmers a combined estimated loss of $1.3 million.[52] Israel has accused militant groups in Gaza of digging tunnels beneath the fence into its territory for offensive purposes and, consequently, has undertaken the spraying of herbicides to "enable optimal and continuous security operations".[53]

35. Similarly, the fishing industry has been significantly undermined by the Israeli naval blockade, land closures and depletion of resources in the small and overused permitted fishing zone. The maintenance of a limited fishing zone by the Israel Defense Forces, including use of force, confiscation and damage to fishing boats, has further affected an already diminished fishing fleet. An estimated 35 fishing boats were reportedly confiscated and damaged by the Israeli navy during the reporting period.[54] As at January 2017, the number of fishers in Gaza had reportedly dropped to approximately 4,000, from 10,000 in 2000. Almost half of them were out of work owing to the shortage of supplies and their inability to repair their boats, as a result of the restrictions imposed by Israel on the entry of raw materials into Gaza, including fibreglass, steel cables, engines and spare parts. Such cumulative measures have reportedly impoverished the large majority of fishers, leaving 95 per cent of them living under the poverty line as at the beginning of 2017. In May 2017, the fishing zone was extended from six nautical miles to nine nautical miles for one month in the sea south of Gaza city.[55]

C. Detention and hunger strikes

36. Official data on the number of Palestinians held in Israeli detention facilities have not been made available by the Israel Prison Service since mid-2016. According to the Palestinian organization Addameer Prisoners Support and Human Rights Association, the number of Palestinian detainees decreased from approximately 7,000 as at 1 June 2016 to some 6,200 as at 31 May 2017.[56] The number of children in detention also decreased from 414 to 331 as at 31 May 2017.[57] However, there was a sharp increase in arrests by Israeli authorities of members of the Palestinian Legislative Council in early 2017. Nine Council members, most of them affiliated with Hamas, were arrested in the West Bank during the reporting period, of whom eight remain held in administrative detention.

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[49] Premiere Urgence Internationale, "Access-restricted area in the Gaza Strip: farmers' inability to access their lands", fact sheet. Available from www.europarl.europa.eu/meetdocs/2014_2019/documents/dpal/dv/4c_pui_ara_factsheet_final_2016/4c_pui_ara_factsheet_final_2016en.pdf.

[50] B'Tselem, "Military sprays herbicides along Gaza border, destroying crops in 200 hectares", 9 March 2017. Available from www.btselem.org/gaza_strip/20170309_crops_sprayed_with_herbicide.

[51] Gisha: Legal Centre for Freedom of Movement, "Gaza farmers: Israel sprayed herbicides in the Gaza Strip again", 7 January 2016. Available from http://gisha.org/updates/4830.

[52] Monthly humanitarian bulletin, April 2017, p. 6.

[53] Gisha, "Gaza farmers".

[54] Information directly from Al-Mezan Centre for Human Rights.

[55] B'Tselem, "Israel destroying Gaza's fishing sector", 29 January 2017. Available from www.btselem.org/gaza_strip/20170129_killing_the_fishing_sector.

[56] See Addameer Prisoners Support and Human Rights Association, "Statistics", August 2017, available from www.addameer.org/statistics; see also B'Tselem, "Statistics on Palestinians in the custody of the Israeli security forces", 9 August 2017, available from www.btselem.org/statistics/detainees_and_prisoners.

[57] Information directly from the United Nations Children's Fund.

One additional Council member, Hassan Yousef, who was arrested in 2015, had his administrative detention renewed in April 2017.

37. At the end of April 2017, an estimated 500 Palestinians were held in administrative detention.[58] The Secretary-General and various human rights bodies have previously called for an end to the Israeli practice of administrative detention, which is inconsistent with the exceptional nature of administrative detention under international humanitarian law, as well as key safeguards of article 9 of the International Covenant on Civil and Political Rights.[59]

38. Most Palestinian prisoners detained by Israel are reportedly held in facilities located outside the Occupied Palestinian Territory. The transfer of protected persons, including those accused of offences, to the territory of the occupying Power is prohibited under the Fourth Geneva Convention of 1949.[60] This creates additional difficulties for family members wishing to visit detained relatives, as residents of the West Bank and Gaza face considerable barriers in securing permits to travel to the detention facilities. This and other practical concerns relating to visits and contact with families, along with requests for improved conditions in detention, formed the bases of the demands by Palestinian detainees during a mass hunger strike in April and May 2017. Between 850 and 1,500 prisoners went on hunger strike for a period of 40 days, which ended only on 27 May, after an agreement was reached with the Israeli authorities.[61]

39. In a statement on 3 May 2017, the International Committee of the Red Cross (ICRC) highlighted "the systematic suspension by Israeli authorities of family visits for detainees on hunger strike, and of the permits for their families" and stated that "according to the Fourth Geneva Convention of 1949, Palestinians are entitled to these visits, which can only be limited for security reasons, on a case-by-case basis, but never for punitive or disciplinary purposes".[62] The High Commissioner for Human Rights also raised concerns at reports of punitive measures by Israeli authorities against the hunger strikers, including restricted access to lawyers and the denial of family visits.[63]

40. Some hunger strikers interviewed by OHCHR following their release provided detailed accounts of the response of the Israel Prison Service to the strike, including the isolation of prisoners participating in the strike, repeat transfers from one facility to another, and daily body and room searches. Some of the measures appear to have been punitive. They include restricting the access of hunger-striking prisoners to outdoor recreation, television, radio and other facilities; denying them access to basic hygiene facilities such as showers, haircuts, shaving and nail clipping; and confiscating their clothes, shoes and mattresses. Some of the restrictions were reported to be accompanied by prison guards explicitly telling

[58] See Addameer, "Statistics"; see also B'Tselem, "Statistics on administrative detention", 9 January 2017, available from www.btselem.org/administrative_detention/statistics.

[59] A/HRC/34/38, para. 55.

[60] Fourth Geneva Convention, arts. 49 and 147.

[61] Addameer Prisoners Support and Human Rights Association, "Treatment of hunger strikers raises concern amongst rights organizations", 8 May 2017, available from www.addameer.org/news/treatment-hunger-strikers-raises-concern-amongst-rights-organizations; and "Get the facts on Palestinian hunger strikes", 25 April 2017, available from http://www.addameer.org/news/get-facts-palestinian-hunger-strikes; and Omar Shakir, "Hunger strikes highlight isolation of Palestinian prisoners", 2 May 2017, available from www.hrw.org/news/2017/05/02/hunger-strikes-highlight-isolation-palestinian-prisoners.

[62] ICRC, "Detainees' contacts with families are Israel's obligation under IHL", 3 May 2017. Available from http://blogs.icrc.org/ilot/2017/05/03/detainees-contacts-families-israel-s-obligation-ihl/.

[63] OHCHR, "Zeid urges Israel to respect the human rights of detainees", 24 May 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21659.

prisoners that the measures would end if the hunger strike were called off. Hunger strikers also informed OHCHR of threats and ill treatment by prison service nurses; delayed and negligent responses by prison guards to urgent medical situations; and fines being imposed as punishment for their protest.

41. A total of 330 Palestinians from the Gaza Strip were being held in Israeli detention facilities at the end of the reporting period.[64] Some 145 Palestinians from the Gaza Strip, including 23 children, were arrested by Israeli security forces.[65] Although most of those arrested from Gaza were usually released after a short period, there are concerns of delayed access to legal counsel for some detainees. For example, on 19 April 2017, a female cancer patient and her sister were arrested by the Israeli security forces at Erez while on their way to medical treatment in a West Bank hospital. Although the patient was released the same evening, the companion remained in detention after having been charged on 18 May for smuggling explosives. OHCHR learned that she was not allowed to see a lawyer for 11 days. In another case, a 27-year-old fisherman, who was arrested by the Israeli navy along with his brother while at sea on 4 December 2016, remained in detention for nearly 18 days. His brother was released the same day, but the fisherman was transferred to the Ashqelon detention facility. He was accused of affiliation with an armed group and reported that he had been intimidated and abused during the interrogation, both verbally and physically. He disclosed that he had not been permitted access to legal counsel until 10 days after his arrest and that he met with an ICRC delegation only 1 day prior to his release on 22 December 2016. He said that he had not been charged with any offence.

Practices relating to human rights work

42. Imad Abu Shamsiyya, a resident of Tel Rumeida in Hebron, had documented in March 2016 the apparent extrajudicial execution by an Israel Defense Forces soldier of a Palestinian assailant who was lying wounded on the ground.[66] Since then, Mr. Abu Shamsiyya has reportedly faced a number of attacks, including with firebombs and large stones thrown at his house. He told the media that members of the indicted soldier's family had broken into his house and asked him to change his testimony to the court.[67] On 7 January 2017, a crowd of settlers also attempted to break into his house. Forced to flee briefly, he has since returned to his home, which he has surrounded with metal net fences, with a net ceiling covering the outdoor patio.[68]

43. Others continue to face legal challenges owing to their human rights work, including for participation in peaceful protests, which effectively are banned by Israel Defense Forces regulations in the West Bank.[69] Badee Dwaik, Younes Arar, Anan Dana and Ishaq al-Khateeb, from Hebron, are currently facing trial before a military court on charges including "participating in an illegal demonstration", "being in a closed military zone" and "interfering with security officers' work". According to OHCHR, the charges stem from a peaceful demonstration on

[64] See Addameer, "Statistics"; see also B'Tselem, "Statistics on Palestinians from the Gaza Strip in the custody of the Israeli security forces", 9 August 2017, available from www.btselem.org/statistics/gaza_detainees_and_prisoners.

[65] Information directly from Al-Mezan Centre for Human Rights.

[66] A/71/364, para. 9.

[67] Ma'an News Agency, "Activist who filmed Hebron shooting 'fears for his life' after Israeli soldier convicted", 5 January 2017. Available from www.maannews.com/Content.aspx?id=774749.

[68] Humanitarian bulletin: occupied Palestinian territory, 12 April 2017, p. 9. Available from www.ochaopt.org/sites/default/files/ocha_opt_the_humanitarian_monitor_2017_04_12_english.pdf.

[69] Israel, *Order Regarding Prohibition of Incitement and Hostile Propaganda Actions*, Order No. 101, 27 August 1967.

30 March 2017 and would therefore constitute a violation of their rights to freedom of expression and peaceful assembly. Issa Amro and Farid al Atrash are facing similar charges, although some of the incidents for which they are charged date as far back as 2010, strongly suggesting that they are being targeted for their human rights work as pointed out by two United Nations independent experts.[70]

44. According to OHCHR, a number of other Palestinians continued to be held under administrative detention by Israel, which was renewed during the reporting period. They include circus performer Mohammad Faisal Abu Sakha (third detention order, held since December 2015); Hasan Safadi of Addameer (second detention order, held since May 2016); and Hassan Karajah of the Stop the Wall campaign (second detention order, held since July 2016). Like others held under administrative detention, they have not been charged or brought to trial, and no evidence of wrongdoing has been brought against them, raising concerns that their detention is related to their human rights work.

45. On 6 March 2017, the Knesset passed an amendment to the Entry into Israel Law (Amendment No. 28, No. 5777-2017) which prohibits the granting of a visa or licence to persons who are not citizens or permanent residents of Israel if they or the organization for which they work has knowingly issued a public call to impose a boycott on Israel, or has committed to participating in such a boycott. The definition of "boycott" is explicitly stated in the 2011 Boycott Law and includes boycotts aimed at Israeli settlements located in occupied territory.[71]

46. The amendment is worded broadly, automatically prohibiting the issuance of visas in the circumstances stated, to which the Minister of the Interior is authorized to make exceptions with reasons provided in writing. Although a subsequent government statement in May 2017 suggested that the law would be enforced only against prominent activists engaged in direct, consistent and continuous actions that promoted boycotts or those who held senior or significant positions in prominent "delegitimization" organizations,[72] the law has reportedly already had a deterring effect. For example, Americans for Peace Now, a Jewish-American organization that supports a boycott of settlements, announced the indefinite suspension of its annual Israel study tour programme, as it feared that its delegates might be refused entry or deported.[73] While States have the right to control immigration and entry, any restrictions placed must be consistent with international human rights law.

D. Lack of accountability for alleged violations of international human rights and humanitarian law

47. International law requires that all reasonable steps be taken to ensure a prompt, thorough, effective, independent and impartial investigation into alleged

[70] OHCHR, "Human rights defenders under growing legal pressure in the OPT — UN rights experts", 16 December 2016. Available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21041.

[71] In accordance with the Law for the Prevention of Damage to the State of Israel through Boycott (No. 5771-2011), boycott is defined as deliberately avoiding all economic, cultural or academic ties with an individual or other body, based solely on its affiliation with Israel or any of its institutions or area under its control, in a manner that would cause economic, cultural or academic harm.

[72] Association for Civil Rights in Israel, "Clarifications to the Entry to Israel Law", 23 May 2017. Available from www.acri.org.il/en/2017/05/23/clarifications-to-the-entry-to-israel-law/.

[73] Americans for Peace Now, "Annual study tour cancelled — letter to prospective participants", 20 April 2017. Available from http://peacenow.org/entry.php?id=23741#.WYw6UVWg-M9.

human rights violations, including of the right to life.[74] In the context of the access-restricted areas in the West Bank and Gaza, where Israeli security forces operate in the absence of ongoing hostilities, the authorities should investigate any incident where individuals are killed or suffer serious injury. The Turkel Commission, appointed by the Government of Israel, reached a similar conclusion.[75] Israel also has a lengthy list of mechanisms and bodies in place for the supervision of law enforcement agencies.[76] Furthermore, since 2011, a policy has ostensibly been in place that requires that the death of every Palestinian resulting from the action of the Israel Defense Forces in the West Bank be criminally investigated, unless there were "clear elements of combat (e.g. fire exchange)".[77] However, the policy does not appear to have been translated consistently into action.

48. In the period from October 2015 to March 2017, 269 Palestinians were killed by the Israel Defense Forces, of whom 176 were killed while carrying out or allegedly carrying out attacks against Israelis.[78] During that period, only 24 investigations were opened into suspected unlawful use of force by the Israel Defense Forces that resulted in Palestinian fatalities.[79] In comparison, the Israel Defense Forces opened 41 criminal investigations into the deaths of Palestinians in 2014 and 27 in 2015.[80] As the number of Palestinians killed has risen dramatically since late 2015,[81] this has not been the case for the number of criminal investigations, suggesting that most incidents since late 2015 are being interpreted as having taken place in the context of "combat activity".[82] Such a broad interpretation of combat, including knife attacks, seriously undermines the policy. In the absence of criminal investigations, the sole remaining mechanism is an "operational debriefing" carried out within the command unit of the Israel Defense Forces soldiers involved in the incident, a mechanism that has been criticized as inadequate for accountability purposes by the Turkel Commission.[83]

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[74] Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 15.

[75] Turkel Commission, second report, pp. 104–106 (paras. 51–54).

[76] Israel, Ministry of Justice, Legal Counselling and Legislation Department (International Law), "Mechanisms of review and supervision of law enforcement agencies with regard to alleged cases of excessive use of force and ill treatment", available from www.justice.gov.il/Units/YeutzVehakika/InternationalLaw/MainDocs1/Mechanisms.pdf; see also A/71/364, paras. 61–65.

[77] Israel, Ministry of Foreign Affairs, "New investigation policy regarding Palestinian casualties from IDF fire in Judea and Samaria", 6 April 2011. Available from http://mfa.gov.il/MFA/AboutIsrael/State/Law/Pages/New_investigation_policy_Palestinian_casualties_IDF_fire_Judea_Samaria_6-Apr-2011.aspx.

[78] Information provided by the Office for the Coordination of Humanitarian Affairs.

[79] Update from the Ministry of Justice of Israel to the Office of the United Nations Special Coordinator for the Middle East Peace Process, 18 April 2017. During the same period, however, the Office of the Military Advocate General prosecuted a large number of Palestinians ("35 murder trials and hundreds of attempted murder trials"), Judah Ari Gross, "Israel's military advocate general defends trial of Hebron shooter", 10 May 2017 Available from www.timesofisrael.com/israels-military-advocate-general-defends-taking-hebron-shooter-to-trial/.

[80] Yesh Din — Volunteers for Human Rights, "December 2016 data sheet: law enforcement on IDF soldiers suspected of harming Palestinians — summary of 2015 data", 2 January 2017. Available from www.yesh-din.org/en/december-2016-data-sheet-law-enforcement-idf-soldiers-suspected-harming-palestinians-summary-2015-data/.

[81] A/71/364, para. 3.

[82] Ibid., paras. 42 and 46. See also Israel, "The 2014 Gaza conflict (7 July–26 August 2014): factual and legal aspects", May 2015, para. 424. Available from http://mfa.gov.il/ProtectiveEdge/Documents/2014GazaConflictFullReport.pdf.

[83] Turkel Commission, second report, pp. 378–383. In fact, according to the Military Advocate General, the primary purpose of operational debriefings is to serve as "an organizational tool in order to 'improve the performance of military units' and in order to learn lessons", see pp. 381–382.

49. Of the 24 criminal investigations opened by the Israel Defense Forces between October 2015 and March 2017, 5 were closed, 3 were ongoing, and 1 was transferred for additional investigation. As at 18 April, 14 cases were pending with the Military Advocate General for a decision on whether to issue an indictment, and 1 case had led to an indictment (see below). According to the Office for the Coordination of Humanitarian Affairs, 14,159 Palestinians were injured in Israel and the West Bank, including East Jerusalem, during the same period, but only seven investigations appear to have been opened by the Israel Defense Forces (1 case closed, 2 ongoing, 3 transferred for additional investigation and 1 pending with the Military Advocate General).[84]

50. Information on police and border police is partial, but only two criminal investigations appear to have been opened into the suspected unlawful killings of Palestinians between October 2015 and June 2016.[85] One such investigation was carried out with respect to a police officer who killed a scissors-wielding 14-year-old girl in West Jerusalem in November 2015 while she lay wounded on the floor, a case in connection with which the Secretary-General had raised concerns over a possible extrajudicial execution.[86] Publicly available video footage showed the repeated use of firearms against the girl, which continued even after any possible threat had ended.[87] In April 2017, investigators from the Ministry of Justice reportedly closed the investigation after concluding that there was no evidence of criminal conduct.[88] No police personnel are known to have been indicted for killing or injuring any Palestinians since October 2015.

51. As the High Commissioner for Human Rights has noted, "a suspicious death occurring anywhere in the world is potentially a violation of the right to life, ... and therefore a prompt, impartial and effective investigation is key to ensuring that a culture of accountability — rather than impunity — prevails".[89] This appears to be the situation in the Occupied Palestinian Territory, with a continuing climate of use of excessive force and a general lack of accountability. The apparent disregard by Israel for international law and standards and its failure to ensure proper investigation and accountability for the killing and injuring of Palestinians in the Occupied Palestinian Territory, particularly over the past two years, raise serious concerns as to its obligations to respect and ensure respect for international humanitarian and human rights law.

52. In only one case, a soldier was convicted of manslaughter, the first such conviction in over a decade. The solder was sentenced to 18 months of

[84] A total of 44 other investigations were also carried out by the Israel Defense Forces (related mostly to violence and property offences), which led to one disciplinary action and three indictments. Of the rest, 12 cases were still ongoing, 4 were transferred for additional investigation, 15 were transferred to the Military Advocate General, awaiting decision, and 9 were closed.

[85] Information received by the Office of the United Nations Special Coordinator for the Middle East Peace Process from Israeli authorities. In an additional 51 incidents, enquiries did not lead to a criminal investigation.

[86] A/71/364, para. 8.

[87] Arutz Sheva TV, "Documentation of stabbing attack in Jerusalem", 23 November 2015, available from www.youtube.com/watch?v=aw8eYodVrVs; B'Tselem, "Unjustified use of lethal force and execution of Palestinians who stabbed or were suspected of attempted stabbings", 16 December 2015, available from www.btselem.org/gunfire/20151216_cases_of_unjustified_gunfire_and_executions; Tamar Pileggi, "Case closed against cop who shot scissor-wielding Palestinian teen attackers", 24 April 2017, available from www.timesofisrael.com/case-closed-against-cop-who-shot-scissor-wielding-palestinian-teens/.

[88] Sharon Pulwer, "Israel closes case against cop who shot two scissor-wielding Palestinian teen attackers", *Haaretz*, 24 April 2017. Available from www.haaretz.com/israel-news/1.785299.

[89] *The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)* (United Nations publication, Sales No. E.17.XIV.3), foreword.

imprisonment for the shooting of a wounded unarmed man, the circumstances of which the Secretary-General previously noted may have constituted extrajudicial execution.[90] One month prior, a Palestinian man was sentenced to 18 years and a fine of 100,000 new shekels for manslaughter by a Jerusalem court for throwing stones at a car, which subsequently led to the death of the driver, who lost control of his vehicle.[91] As the High Commissioner for Human Rights noted, the "excessively lenient" sentence for the convicted soldier risks "undermining confidence in the justice system and reinforcing the culture of impunity".[92] On 30 June, the Military Appeals Court confirmed the conviction and the 18-month sentence.[93]

E. Gaza hostilities

53. The security situation in and around Gaza remained relatively stable, albeit tense and uncertain. During the reporting period, Palestinian armed groups fired over 30 rockets and 4 mortar shells. Ten landed in Israel, with no casualties reported. The Israel Defense Forces fired 87 missiles in 47 air strikes in the Gaza Strip, targeting mostly what appeared to be vacant military training sites and open and agricultural areas. The Israel Defense Forces also fired 110 artillery shells in 29 locations, reportedly injuring six people.[94]

54. There was one possible hostilities-related death during the reporting period. A 15-year-old boy was killed and another injured on 22 March 2017, when some 10 to 15 tank shells were fired at them east of Rafah. According to a spokesperson for the Israel Defense Forces, "three Palestinians were spotted making their way towards the Gaza border fence in southern Gaza and aroused the suspicion of IDF lookouts.... The three appeared to be doing something on the ground and were in a no-go area.... In response, a tank fired shells in their direction, and one of them was hit".[95] One of the three, a child, was killed. OHCHR monitoring suggests that the three were in the access-restricted areas while attempting to cross into Israel. There is no indication, or allegation, that they were armed or otherwise carrying out an activity that would suspend their protection as civilians. This raises concerns under international humanitarian law in relation to taking all feasible precautions in attacks, the principle of distinction and the prohibition on directing attacks against civilians. The incident is reportedly being investigated by the Israel Defense Forces.

55. The large majority of the Palestinian rockets fired during the reporting period appear to have been done so indiscriminately. Indiscriminate attacks are prohibited by international humanitarian law. Responding to a rocket attack by Palestinian armed groups on 6 February 2017, the Israel Defense Forces conducted 9 air strikes and fired 10 shells, targeting largely vacant military training sites and open areas, and injuring one 69-year-old Palestinian. The Chief of Staff of the Israel Defense Forces reportedly stated that, since the 2014 hostilities, the Israel Defense Forces

[90] A/71/364, para. 9, and A/71/355, para. 8.

[91] Agence France-Presse and Times of Israel staff, "Israeli court approves 18-year term for Palestinian killer", 24 January 2017. Available from www.timesofisrael.com/israeli-court-approves-18-year-term-for-palestinian-killer/.

[92] OHCHR, press briefing note on Israel: Elor Azaria case, 24 February 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21221.

[93] Gili Cohen, Barak Ravid and Jonathan Lis, "Hebron shooter loses manslaughter appeal, Israeli soldier to serve full 18-month sentence", *Haaretz*, 30 July 2017. Available from www.haaretz.com/israel-news/1.804122.

[94] Information directly from the Department of Safety and Security of the Secretariat.

[95] Yoav Zitun and Elior Levy, "IDF fires at 3 suspicious Palestinians on Gaza border, one killed", 22 March 2017. Available from www.ynetnews.com/articles/0,7340,L-4938915,00.html.

have been employing "a policy of using aggressive, and disproportionate, force" against Hamas in response to rocket attacks from Gaza.[96]

56. In August 2016, the Military Advocate General released updated information with respect to investigations into the violations of international humanitarian and human rights law during the 2014 hostilities: out of 500 complaints related to 360 incidents referred to the Military Advocate General, investigations were ordered into 31 incidents only, and three indictments were issued for looting.[97] Eighty additional cases examined by the fact-finding mechanism[98] were closed on the grounds that the actions of the Israel Defense Forces did not give rise to reasonable grounds for suspicion of criminal behaviour.[99]

IV. Conclusions

57. **The present report builds on previous reports of the Secretary-General and the United Nations High Commissioner for Human Rights in highlighting some of the ongoing patterns in human rights violations in the Occupied Palestinian Territory. Violations relating to the use of force, detention, the ability of human rights defenders to carry out their work and instances of collective punishment continued during the reporting period.**

58. **The persistence of serious challenges to ensuring accountability for violations of international human rights and humanitarian law against Palestinians will continue to create a more permissive environment for the commission of such violations. Despite efforts to strengthen the system of accountability, including through the establishment of relevant mechanisms and bodies and the adoption of targeted policies, critical steps to ensure the consistent application and operationality of such a system remain unimplemented or not followed in practice. The existence of mechanisms and processes alone is not sufficient in the absence of consistent implementation.**

V. Recommendations

59. **The following recommendations should be read in conjunction with the numerous recommendations contained in previous reports of the Secretary-General and the High Commissioner for Human Rights:**

(a) **Israel should conduct prompt, thorough, effective, independent and impartial criminal investigations in all instances in which Palestinians are killed or seriously injured in the context of law enforcement. Those responsible should be held accountable in full compliance with international law and standards, with charges and sentences commensurate with the gravity of the offences. The accountability of command leadership for repeated or systemic failures to comply with relevant rules and regulations and applicable standards of international law should be ensured;**

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[96] Jonathan Lis, "Israeli army responds 'disproportionately' to Gaza rocket fire, Chief of Staff says", *Haaretz*, 22 March 2017. Available from www.haaretz.com/israel-news/1.778806.

[97] Military Advocate General's Corps, "Decisions of the IDF MAG regarding exceptional incidents that allegedly occurred during Operation 'Protective Edge' — update No. 5", 24 August 2016. Available from www.law.idf.il/163-7596-en/Patzar.aspx.

[98] Military Advocate General's Corps, "Operation Protective Edge: examinations and investigation", 10 September 2014. Available from www.mag.idf.il/261-6858-en/patzar.aspx.

[99] A/HRC/34/36, para. 46.

(b) Israel should ensure that the rules on the use of force in the context of law enforcement are fully consistent with international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; where this is already so, ensure that the rules are appropriately, lawfully and consistently applied by all Israeli security forces personnel throughout the West Bank, including East Jerusalem, and in the Gaza access-restricted areas;

(c) Israel should end all practices that constitute collective punishment;

(d) In the Occupied Palestinian Territory, including Gaza and East Jerusalem, Israel should lift the blockade of Gaza, end punitive closures and ensure that the right to freedom of movement by all residents of the constituent parts of the Occupied Territory is respected; in the interim, it should ensure that the rights of the residents of Gaza are protected by enabling sustainable economic recovery and development through the facilitation of access to and from Gaza to people and goods;

(e) Israel should promptly end the practice of unlawful administrative detention, that is, charge and try promptly, or immediately release, any detainees currently held in unlawful administrative detention; ensure that all Palestinian detainees are held in facilities located in the occupied territory; in the interim, ensure that the right to family visits and contact with family are not hindered through the restrictive issuance of permits or other measures;

(f) Israeli authorities should respect and protect the rights of human rights defenders and release without charge, as well as suspend procedures against, all individuals who have been detained or charged as a result of engaging in human rights work;

(g) Israel should ensure that all persons are able to exercise peacefully their rights to freedom of expression and assembly that are held in accordance with international human rights law without the threat of legal or administrative penalties;

(h) Israel should take all measures to ensure full respect for international humanitarian law, particularly in respect of civilians living under occupation, and in the conduct of hostilities, and ensure accountability for all violations.

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General Assembly

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Seventy-second session
Agenda item 115 (a)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Advisory Committee on Administrative and Budgetary Questions

Report of the Fifth Committee

Rapporteur: Mr. Felipe **García Landa** (Mexico)

1. At its 2nd plenary meeting, on 15 September 2017, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-second session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Advisory Committee on Administrative and Budgetary Questions" and to allocate it to the Fifth Committee.

2. At its 11th meeting, on 2 November 2017, the Fifth Committee had before it the following documents:

(a) Note by the Secretary-General concerning the vacancies in the membership of the Advisory Committee on Administrative and Budgetary Questions that would occur as a result of the expiration of the term of office of five of its members on 31 December 2017 (A/72/101/Rev.1);

(b) Note by the Secretary-General containing the names of six persons nominated by their respective Governments for appointment or reappointment to the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2018 (A/C.5/72/4).

3. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint or reappoint Bachar Bong Abdallah (Chad), Pavel Chernikov (Russian Federation), Cihan Terzi (Turkey) and David Traystman (United States of America) as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2018 (see para. 6).

4. Also at the same meeting, the Committee proceeded to select, by secret ballot, one person from the two candidates nominated by the Latin American and Caribbean States. The result of the voting was as follows:

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Latin American and Caribbean States

Number of ballots cast:	187
Invalid ballots:	0
Number of valid ballots:	187
Abstentions:	2
Number of members present and voting:	185
Required majority:	93
Number of votes obtained:	
Julia A. Maciel (Paraguay)	112
Fernando de Oliveira Sena (Brazil)	73

5. Having obtained the required majority, Julia A. Maciel (Paraguay) was recommended for appointment as a member of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2018 (see para. 6).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends that the General Assembly appoint the following persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2018:

Bachar Bong Abdallah (Chad)
Pavel Chernikov (Russian Federation)
Julia A. Maciel (Paraguay)
Cihan Terzi (Turkey)
David Traystman (United States of America)

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Seventy-second session
Agenda item 115 (b)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Committee on Contributions

Report of the Fifth Committee

Rapporteur: Mr. Felipe **García Landa** (Mexico)

1. At its 2nd plenary meeting, on 15 September 2017, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-second session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Committee on Contributions" and to allocate it to the Fifth Committee.

2. At its 11th meeting, on 2 November 2017, the Fifth Committee had before it the following documents:

(a) Note by the Secretary-General concerning the vacancies in the membership of the Committee on Contributions that would occur as a result of the expiration of the term of office of six of its members on 31 December 2017 (A/72/102/Rev.1);

(b) Note by the Secretary-General containing the names of six persons nominated by their respective Governments for appointment or reappointment to the Committee on Contributions for a three-year term of office beginning on 1 January 2018 (A/C.5/72/5).

3. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint or reappoint Michael Holtsch (Germany), Evgeny Kalugin (Russian Federation), Henrique da Silveira Sardinha Pinto (Brazil), Steve Townley (United Kingdom of Great Britain and Northern Ireland), Yoon Seongmee (Republic of Korea) and Zhang Wei (China) as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2018 (see para. 4).

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Recommendation of the Fifth Committee

4. The Fifth Committee recommends that the General Assembly appoint the following persons as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2018:

Michael Holtsch (Germany)
Evgeny Kalugin (Russian Federation)
Henrique da Silveira Sardinha Pinto (Brazil)
Steve Townley (United Kingdom of Great Britain and Northern Ireland)
Yoon Seongmee (Republic of Korea)
Zhang Wei (China)

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Seventy-second session
Agenda item 115 (d)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the International Civil Service Commission

Report of the Fifth Committee

Rapporteur: Mr. Felipe **García Landa** (Mexico)

1. At its 2nd plenary meeting, on 15 September 2017, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-second session, under the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments", the sub-item entitled:

"Appointment of members of the International Civil Service Commission:

(i) Appointment of members of the Commission;

(ii) Designation of the Vice-Chair of the Commission",

and to allocate it to the Fifth Committee.

2. At its 11th meeting, on 2 November 2017, the Fifth Committee had before it the following documents:

(a) Note by the Secretary-General concerning the vacancies in the membership of the International Civil Service Commission that would occur as a result of the expiration of the terms of office of five of its members on 31 December 2017 (A/72/104/Rev.1);

(b) Note by the Secretary-General containing the names of five persons nominated by their respective Governments for appointment or reappointment to the International Civil Service Commission, to fill the following vacancies: one member from the Asia-Pacific States, one member from the Latin American and Caribbean States and three members from the Western European and other States (A/C.5/72/7);

(c) Note by the Secretary-General containing the name of one person nominated by his Government for designation to the post of Vice-Chair of the International Civil Service Commission (A/C.5/72/7/Add.1).

3. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint or reappoint Yuji Kumamaru (Japan), Luis

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Mariano Hermosillo Sosa (Mexico), Aldo Mantovani (Italy), Jeffrey Mounts (United States of America) and Wolfgang Stöckl (Germany) as members of the International Civil Service Commission for a four-year term of office beginning on 1 January 2018 (see para. 5).

4. Also at the same meeting, Aldo Mantovani was the only declared candidate for designation as Vice-Chair. The Committee decided, by acclamation, to recommend to the General Assembly that it designate Aldo Mantovani (Italy) as Vice-Chair of the International Civil Service Commission for a four-year term of office beginning on 1 January 2018 (see para. 5).

Recommendation of the Fifth Committee

5. The Fifth Committee recommends that the General Assembly:

(a) Appoint the following persons as members of the International Civil Service Commission for a four-year term of office beginning on 1 January 2018:

Yuji Kumamaru (Japan)
Luis Mariano Hermosillo Sosa (Mexico)
Aldo Mantovani (Italy)
Jeffrey Mounts (United States of America)
Wolfgang Stöckl (Germany);

(b) Designate Aldo Mantovani as Vice-Chair of the International Civil Service Commission for a four-year term of office beginning on 1 January 2018.

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Seventy-second session
Agenda item 115 (e)
Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Independent Audit Advisory Committee

Report of the Fifth Committee

Rapporteur: Mr. Felipe **García Landa** (Mexico)

1. At its 2nd plenary meeting, on 15 September 2017, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-second session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Independent Audit Advisory Committee" and to allocate it to the Fifth Committee.

2. At its 11th meeting, on 2 November 2017, the Fifth Committee had before it the following documents:

(a) Note by the Secretary-General concerning the vacancies in the membership of the Independent Audit Advisory Committee that would occur as a result of the expiration of the term of office of two of its members on 31 December 2017 (A/72/105);

(b) Note by the Secretary-General containing the names of two persons nominated by their respective Governments for appointment or reappointment to the Independent Audit Advisory Committee for a three-year term of office beginning on 1 January 2018 (A/C.5/72/8).

3. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it reappoint Richard Quartei Quartey (Ghana) and appoint Janet St. Laurent (United States of America) as members of the Independent Audit Advisory Committee for a three-year term of office beginning on 1 January 2018 (see para. 4).

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Recommendation of the Fifth Committee

4. The Fifth Committee recommends that the General Assembly appoint the following persons as members of the Independent Audit Advisory Committee for a three-year term of office beginning on 1 January 2018:

Richard Quartei **Quartey** (Ghana)
Janet **St. Laurent** (United States of America)

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Seventy-second session
Agenda item 115 (j)

Appointments to fill vacancies in subsidiary organs and other appointments: confirmation of the appointment of members of the Investments Committee

Report of the Fifth Committee

Rapporteur: Mr. Felipe **García Landa** (Mexico)

1. At its 34th plenary meeting, on 26 October 2017, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-second session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: confirmation of the appointment of members of the Investments Committee" and to allocate it to the Fifth Committee.

2. At its 11th meeting, on 2 November 2017, the Fifth Committee had before it the note by the Secretary-General in which, in accordance with the provisions of article 20 and section E of annex III of the Regulations, Rules and Pension Adjustment System of the United Nations Joint Staff Pension Fund,[1] the Secretary-General, after consultation with the United Nations Joint Staff Pension Board and the Advisory Committee on Administrative and Budgetary Questions, submitted for confirmation by the General Assembly the appointment of Kemi Adeosun (Nigeria) and Keiko Honda (Japan) as ad hoc members of the Investments Committee for a one-year term of office beginning on 1 January 2018 (A/C.5/72/9).

3. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it confirm the appointment of Kemi Adeosun (Nigeria) and Keiko Honda (Japan) as ad hoc members of the Investments Committee for a one-year term of office beginning on 1 January 2018 (see para. 4).

Recommendation of the Fifth Committee

4. The Fifth Committee recommends that the General Assembly confirm the appointment by the Secretary-General of the following persons as ad hoc members of the Investments Committee for a one-year term of office beginning on 1 January 2018:

Kemi Adeosun (Nigeria)
Keiko Honda (Japan)

[1] ST/SGB/Staff Pension/G/4/Rev.21.

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General Assembly

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Seventy-second session
Agenda item 115 (c)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of a member of the Board of Auditors

Report of the Fifth Committee

Rapporteur: Mr. Felipe **García Landa** (Mexico)

1. At its 2nd plenary meeting, on 15 September 2017, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-second session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of a member of the Board of Auditors" and to allocate it to the Fifth Committee.

2. At its 11th meeting, on 2 November 2017, the Fifth Committee had before it the following documents:

(a) Note by the Secretary-General concerning a vacancy in the membership of the Board of Auditors that would occur as a result of the expiration of the term of office of one of its members on 30 June 2018 (A/72/103);

(b) Note by the Secretary-General in which he reported that the Government of Chile had nominated the Comptroller General of the Republic of Chile and the Government of Sierra Leone had nominated the Auditor-General of the Republic of Sierra Leone for appointment as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2018 (A/C.5/72/6).

3. At the same meeting, the Committee proceeded to select, by secret ballot, one person from the two candidates holding national office as Auditor General (or equivalent title). The result of the voting was as follows:

Number of ballots cast:	190
Invalid ballots:	1
Number of valid ballots:	189
Abstentions:	1
Number of members present and voting:	188
Required majority:	95
Number of votes obtained:	
Comptroller General of the Republic of Chile	97
Auditor-General of the Republic of Sierra Leone	91

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4. Having obtained the required majority, the Comptroller General of the Republic of Chile was recommended for appointment as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2018 (see para. 5).

Recommendation of the Fifth Committee

5. The Fifth Committee recommends that the General Assembly appoint the Comptroller General of the Republic of Chile as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2018.

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Financial reports and audited financial statements, and reports of the Board of Auditors

Report of the Fifth Committee

Rapporteur: Mr. Felipe **García Landa** (Mexico)

I. Introduction

1. At its 2nd plenary meeting, on 15 September 2017, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-second session the item entitled:

"Financial reports and audited financial statements, and reports of the Board of Auditors:

"(a) United Nations;

"(b) United Nations peacekeeping operations;

"(c) International Trade Centre;

"(d) United Nations University;

"(e) Capital master plan;

"(f) United Nations Development Programme;

"(g) United Nations Capital Development Fund;

"(h) United Nations Children's Fund;

"(i) United Nations Relief and Works Agency for Palestine Refugees in the Near East;

"(j) United Nations Institute for Training and Research;

"(k) Voluntary funds administered by the United Nations High Commissioner for Refugees;

"(l) Fund of the United Nations Environment Programme;

"(m) United Nations Population Fund;

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"(n) United Nations Human Settlements Programme;

"(o) United Nations Office on Drugs and Crime;

"(p) United Nations Office for Project Services;

"(q) United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women);

"(r) International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

"(s) International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;

"(t) International Residual Mechanism for Criminal Tribunals;

"(u) United Nations Joint Staff Pension Fund"

and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 8th and 11th meetings, on 24 October and 2 November 2017. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it the following documents:

(a) Financial reports and audited financial statements for the year ended 31 December 2016 and reports of the Board of Auditors on the United Nations (A/72/5 (Vol. I) and A/72/5 (Vol. I)/Corr.1), the International Trade Centre (A/72/5 (Vol. III)), the United Nations University (A/72/5 (Vol. IV)), the capital master plan (A/72/5 (Vol. V)), the United Nations Development Programme (A/72/5/Add.1), the United Nations Capital Development Fund (A/72/5/Add.2), the United Nations Children's Fund (A/72/5/Add.3), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/72/5/Add.4), the United Nations Institute for Training and Research (A/72/5/Add.5), the voluntary funds administered by the United Nations High Commissioner for Refugees (A/72/5/Add.6), the Fund of the United Nations Environment Programme (A/72/5/Add.7), the United Nations Population Fund (A/72/5/Add.8), the United Nations Human Settlements Programme (A/72/5/Add.9), the United Nations Office on Drugs and Crime (A/72/5/Add.10), the United Nations Office for Project Services (A/72/5/Add.11), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) (A/72/5/Add.12), the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/72/5/Add.13), the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/72/5/Add.14), the International Residual Mechanism for Criminal Tribunals (A/72/5/Add.15), and the United Nations Joint Staff Pension Fund (A/72/5/Add.16);

[1] A/C.5/72/SR.8 and A/C.5/72/SR.11.

(b) Note by the Secretary-General transmitting the concise summary of the principal findings and conclusions contained in the reports of the Board of Auditors for the annual financial period 2016 (A/72/176 and A/72/176/Corr.1);

(c) Report of the Secretary-General on the implementation of the recommendations of the Board of Auditors contained in its reports for the year ended 31 December 2016 on the United Nations and on the capital master plan (A/72/355);

(d) Report of the Secretary-General on the implementation of the recommendations of the Board of Auditors contained in its reports for the year ended 31 December 2016 on the United Nations funds and programmes (A/72/355/Add.1);

4. At the 8th meeting, on 24 October, the Chair of the Audit Operations Committee of the Board of Auditors introduced the reports of the Board.

II. Consideration of draft resolution A/C.5/72/L.4

5. At its 11th meeting, on 2 November 2017, the Committee had before it a draft resolution entitled "Financial reports and audited financial statements, and reports of the Board of Auditors" (A/C.5/72/L.4), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Jamaica.

6. At the same meeting, the Committee adopted draft resolution A/C.5/72/L.4 without a vote (see para. 7).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financial reports and audited financial statements, and reports of the Board of Auditors

The General Assembly,

Recalling its resolution 52/212 B of 31 March 1998 and its decision 57/573 of 20 December 2002,

Recalling also its resolutions 71/261 A of 23 December 2016 and 71/261 B of 30 June 2017,

Having considered, for the period ended 31 December 2016, the financial reports and audited financial statements and the reports of the Board of Auditors on the United Nations,[1] the International Trade Centre,[2] the United Nations University,[3] the capital master plan,[4] the United Nations Development Programme,[5] the United Nations Capital Development Fund,[6] the United Nations Children's Fund,[7] the United Nations Relief and Works Agency for Palestine Refugees in the Near East,[8] the United Nations Institute for Training and Research,[9] the voluntary funds administered by the United Nations High Commissioner for Refugees,[10] the Fund of the United Nations Environment Programme,[11] the United Nations Population Fund,[12] the United Nations Human Settlements Programme,[13] the United Nations Office on Drugs and Crime,[14] the United Nations Office for Project Services,[15] the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women),[16] the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[17] the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,[18] the International Residual Mechanism for Criminal Tribunals[19] and the

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[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 5*, vol. I and corrigendum (A/72/5 (Vol. I) and A/72/5 (Vol. I)/Corr.1).
[2] Ibid., vol. III (A/72/5 (Vol. III)).
[3] Ibid., vol. IV (A/72/5 (Vol. IV)).
[4] Ibid., vol. V (A/72/5 (Vol. V)).
[5] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 5A* (A/72/5/Add.1).
[6] Ibid., *Supplement No. 5B* (A/72/5/Add.2).
[7] Ibid., *Supplement No. 5C* (A/72/5/Add.3).
[8] Ibid., *Supplement No. 5D* (A/72/5/Add.4).
[9] Ibid., *Supplement No. 5E* (A/72/5/Add.5).
[10] Ibid., *Supplement No. 5F* (A/72/5/Add.6).
[11] Ibid., *Supplement No. 5G* (A/72/5/Add.7).
[12] Ibid., *Supplement No. 5H* (A/72/5/Add.8).
[13] Ibid., *Supplement No. 5I* (A/72/5/Add.9).
[14] Ibid., *Supplement No. 5J* (A/72/5/Add.10).
[15] Ibid., *Supplement No. 5K* (A/72/5/Add.11).
[16] Ibid., *Supplement No. 5L* (A/72/5/Add.12).
[17] Ibid., *Supplement No. 5M* (A/72/5/Add.13).
[18] Ibid., *Supplement No. 5N* (A/72/5/Add.14).
[19] Ibid., *Supplement No. 5O* (A/72/5/Add.15).

United Nations Joint Staff Pension Fund,[20] the sixth annual progress report of the Board of Auditors on the implementation of the United Nations enterprise resource planning system,[21] the note by the Secretary-General transmitting the concise summary of the principal findings and conclusions contained in the reports of the Board of Auditors for the annual financial period 2016,[22] the reports of the Secretary-General on the implementation of the recommendations of the Board of Auditors contained in its reports for the year ended 31 December 2016 on the United Nations and on the capital master plan,[23] and on United Nations funds and programmes,[24] the report of the Secretary of the United Nations Joint Staff Pension Board on the implementation of the recommendations of the Board of Auditors contained in its report for the year ended 31 December 2016 on the United Nations Joint Staff Pension Fund[25] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[26]

1. *Takes note* of the audit opinions and findings, and endorses the recommendations, contained in the reports of the Board of Auditors;[1–21]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[26]

3. *Reaffirms* that the Board of Auditors shall be completely independent and solely responsible for the conduct of audits;

4. *Decides* to consider further the reports of the Board of Auditors on the International Criminal Tribunal for Rwanda,[17] the International Tribunal for the Former Yugoslavia[18] and the International Residual Mechanism for Criminal Tribunals[19] under the respective agenda items relating to the Tribunals and the Mechanism;

5. *Also decides* to consider further the report of the Board of Auditors on the United Nations Joint Staff Pension Fund[20] under the agenda item relating to the United Nations Joint Staff Pension Fund;

6. *Commends* the Board of Auditors for the continued high quality of its reports and the streamlined format thereof;

7. *Takes note* of the reports of the Secretary-General on the implementation of the recommendations of the Board of Auditors contained in its reports for the year ended 31 December 2016 on the United Nations and on the capital master plan,[23] and on the United Nations funds and programmes;[24]

8. *Reiterates its request* to the Secretary-General and the executive heads of the funds and programmes of the United Nations to ensure full implementation of the recommendations of the Board of Auditors and the related recommendations of the Advisory Committee in a prompt and timely manner, to continue to hold programme managers accountable for the non-implementation of recommendations and to effectively address the root causes of the problems highlighted by the Board;

9. *Reiterates its request* to the Secretary-General to provide in his reports on the implementation of the recommendations of the Board of Auditors a full explanation for the delays in the implementation of the recommendations of the

[20] Ibid., *Supplement No. 5P* (A/72/5/Add.16).
[21] A/72/157.
[22] A/72/176 and A/72/176/Corr.1.
[23] A/72/355.
[24] A/72/355/Add.1.
[25] A/72/364.
[26] A/72/537.

Board, in particular those recommendations not yet fully implemented that are two or more years old;

10. *Also reiterates* its request to the Secretary-General to indicate in future reports an expected time frame for the implementation of the recommendations of the Board of Auditors, as well as the priorities for their implementation and the office holders to be held accountable.